Case Number

88-944

Supreme Court, U.S.
FILED
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JOSEPH F. SPANIOL, JR.
CLERK

IN THE

United States SUPREME Court

FALL TERM 1988

PETITION FOR WRIT OF CERTIORARI

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
vs.
JAMES HARRISON et. al.
Defendant - Appellee - Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

****

PETITION FOR WRIT OF CERTIORARI

##########"

a) * * * Questions presented to be reviewed.

The State of Florida sold to this Petitioner a parcel or Land situate in Nassau County, Florida described Lot 20 Blk 101 Town or Hilliard, Florida.

On March 9th 1981, the School Board of the State of Florida instigated eminent Domain proceedings.

The Kangaroo Court after many coercive and oppressive maneuvers did award,with Barrow not at the hearing during the full trial, a worthless check for $250.00 to compensate an injury in excess of $15,500.00.

QUESTION NUMBER I: Was this a taking of

property without any compensation, much less full and just ? There was no use to appeal in State Court as the enmity of the Court was absolutely unbearable,that Barrow upon being granted permission to leave the Court Hearing, rush clear across the County to avoid being locked up again in the Federal Detention Center, because of constant threats to his person, by Defendant Harrison.

QUESTION NUMBER II : Did this individual, Defendant Harrison who is no longer a Judge, deprive this " Owner of land" due process of law, appropriate to the Circumstances ?

QUESTION NUMBER III: Was a constant threat in the court, by the Judge to the safety of this Victim, repugnant to the Equal Protection Clause of our Con-

stitution of these United States?

QUESTION NUMBER IV: In as much as the Property and the improvements thereon as well as the use and occupation thereof, by the State, was this sale of the property by the State to Barrow and then the taking of the property by the State, an impairing of Contract ?

Upon filing this Action in the Federal Court there has been no answer to the Complaint pursuant to Fed.R.Civ. P. Rule 7 (a).

QUESTION NUMBER V: With no opportunity to be heard in Federal Court is this Due Process of Law ? Or Schlesinger's Law ?

QUESTION NUMBER VI : To add salt to the Wound, the Court of First Instance

inflicted Cruel and Unjust Punishment alleged to be sanctions in the amount of Twelve, thousand, nineteen and 38/100 dollars in this case alone. ($12,019,38) in Bribes in this case only to be paid to State employees when seized from Appellant. Are the illegal sanctions, extortion or oppression ?

QUESTION: Does this judgment for ($12, 019.38 in Sanctions without any trial by jury, in fact no trial as to the appropriateness of the amount of Sanctions amount to abuse of discretion or usurping power to commit illegal acts ?

In Jones v Bales, 58 F.R.D. 543 (N.D.) Ga. 1972 aff'd 480 F 2d 805 (5th Cir 19 78)
" Pro se litigants are not subject to the unusal incetives against filing repetirive, frivolous or malicious

law suits. They are immune from imposition or costs, if they are uncuccessful and because of their poverty they are practically immune from later tort actions for " malicious prosecution or abuse of process"

QUESTION NUMBER VII: The 11th Circuit , not only condones and affirms this void decision, the 11th Circuit added insult to injury, by remanding the case back to the Court of First Instance for MORE SANCTIONS, than has already been inflicted upon this Appellant.
Is this Action of the 11th Circuit also an abuse of discretion ?

QUESTION NUMBER VIII: Whether or not Jason Vail Assistant Attorney General has any Statutory Authority deligated to him to defend such as James Harrison's illegal acts such as;
1) The taking of Petitioner's $15,500.00

property in an illegal fashion with an alleged full and just consideration of one worthless bad check of $250.00 which cannot be cashed ?

2) The deprivation of due process of law, in the State Court ?

3) The denial of protection of the law equal to that afforded others, in this State Court ?

4) Impairing of obligation of contract of the State by the State ?

THEN WHILE IN FEDERAL COURT

5) No opportunity to be heard in Federal Court ?

6) The Attorney General Butterworth's improper influence in the infliction of Eighty thousand, six hundred seventy-seven and 47 /100th dollars ($80,677.47 100th dollars) in Cruel and Unjust Pun-

ishment, as of this date ?

AND IN THE COURT OF APPEALS 11th CIRCUIT.

7) The remanding of the Case and Controversy back to the Court of First Instance to tax still more Cruel and Unjust Punishment on behalf of " the improper influence of Jason Vail ?

SEE: Florida Statute 112.313 and Florida Statute 838.015,838.016.

IT MUST BE REMEMBERED

Along with the $12,019.83 of Cruel and Unjust Punishment inflicted by the Federal Court on this pro se Person, is a total as of this date only; Eighty-thousand, six hundred, seventy-seven and 47/100th dollars ($80,677.47) up to date in Federal Court Punishment that has been inflicted upon this

" ignorant layman without legal education" as a reward for making a Fool Hearted effort to obtain redrsss of grievances pursuant to our Constitution.

QUESTION NUMBER IX: Is this pro se Person entitled to pecuniary compensation to consummate the injury to him? Also it does appear that Eighty thousand, six hundred, seventy-seven and 47/ 100th dollars (80,677.47) is not enough Cruel and Unjust Punishment. The 11th Circuit Federal Court of Appeals has ordered that more attorney's fees and costs must be inflicted upon this pro se person.

This Barrow v Harrison is remanded back to the Court of First Instance for more un-reasonable Cruel and Un-

just Punishment in addition to the eighty, thousand, six hundred, seventy-seven and 47 / 100th dollars($80,677.47) of Cruel and Unjust Punishment to be added to the $80,677.47up to date already inflicted.

In Jones v Bales, 58 F.R.D. 453 (N.D.) Ga 1972 aff'd 480 F 2d 805 (5th Cir (1978)

" Pro se litigants are not subject to the unusal incetives against filing repetirive frivolous or malicious lawsuits. They are immune from imposition or costs If they are unsuccessful and because of their poverty they are practically immune from later tort actions"

NEW DEVELOPMENTS

Judging by the recent development in this Action it must be noted that:

1) Harold B.(judge handling) Wahl,one of the Central Figures in the Wheel Within A Wheel Conspiracy, has been replaced by one Jason Vail,Central

Figure in the Attorney General Butterworths Wheel Conspiracy.

2) The 11th Circuit seems to be dancing to the Attorney General's Tune.

To Beg with the Judges of Florida, whose acts complained of are not judicial acts, therefore there is no immunity.

The Government cannot impart immunity to these individuals whose acts are in defiance of our Constitution.

Wherefore, the State cannot impart impunity to these individuals whose acts are illegal.

The Attorney Generals Office has not been able to come up with any statutory authority deligated to them to use tax payers money to defend the

illegal acts of these State Employees. Yet the Central Figure Jason Vail keeps on with Legal Assistance at Tax Payers expense to these individuals,while begging for more and more attorneys fees and costs, which constitute Bribes.

SEE: Florida Statute 838.015, Florida Statute 838.016 and Misuse of Office Florida Statute112.313.

PLENARY CONSIDERATION: is requested by this Court as to:

1) The effect of Hodges Consolidation?

2) Central Figure Schlesingers confession.

> " Counsel obtained results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

3) And Vail's success in the running of the 11th Circuit Court of Appeals as can

be concluded by his influence thereon. Vail is granted " Extention of time" while at the same time, this Petitioner is denied " extention of time".Vail beggs for more punishment to be inflicted upon this Petitioner.

The 11th Circuit remands the Case back to Hadges for more Cruel and Unjust Punishment, in addition to the $80, 677,47 / 100th dollars already to date inflicted, upon this pro se Person. None of the questions can be adjudicated in the lower courts, because of laws of the Wheel Within A Wheel Co-conspirators of the Federal Court.

Quote: Harvey E Schlesinger: Defendants;

" Counsel obtained results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

All the way through. the 11th Circuit

Court of Appeals.

b) * * * LIST OF ALL PARTIES

James Harrison
Marks, Gray, Conroy and Gibbs
Craig Marsh
Nassau County School Board
Ernie Mastroianni
Laura Cook
Channel 12 WTLV
John G. Barrow Jr
James A Peters
Marshall Wood
Parites who believe they have the greatest personal interest in the outcome of this case follow;

1) William Terrell Hodges
2) Harvey E Schlesinger
3) Harold B (Judge Handling) Wahl
4) Jason Vail, begging for bribes.

And All Counsel in Hodges " All of these cases" in the Wheel Within A Wheel Conspiracy who" Obtain results sought, prior to trial, and relief from the immediate harassment of the suit.

c) * * * TABLE OF CONTENTS

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(d) * * * REFERENCE TO OPINION

The only opinion delivered to the Court is that of John E Lawlor III in the Appendix herewith Page, 24,25, 26.

There has been no Notice of Hearing on any issue or law or otherwise, therefore there can be no Official or Un-official Report delivered in the Court.
No Fact Finding whatsoever.

The Final judgment sought to be reviewed is included in the Appendix Page 27 through page 34 D.

The Order is dated the 10th day of May, 1988.

The Judgments are dated the 3rd day of June 1988.

e) * * STATEMENT OF JURISDICTION

The subject matter set fourth in the Complaint and the Amended Complaint does arise under the Constitution of these United States and is within 28 § 1343,U.S,C.A. § 1343

Article III § 2 of the Fed. Const provides: that;

" The judicial power shall extend to all cases in law and equity arising under the constitution the laws of the United States and Treaties made or shall be made under their authority"

It is clear that the Cause of Action is one which " arises under" the Federal Constitution. Since the Complaint plainly sets fourth a Case arising under the Constitution the subject matter is within the Federal Judicial Power defined in Art. III § 2 and so within the power of Congress to assign to the jurisdiction

of the District Court.

Congress has exercised that power. 28 U.S.C. § 1343 (3) 28 U.S.C.A. 1343(3)

" The District Court shall have original jurisdiction of any civil action authorized by law"

The Court has frequently sustained District Court jurisdiction under 28 U.S.C. § 1343,28 U.S.C.A. § 1343 (3)

Against State infringement by the

equal protection and due process clau-

ses of the foutreenth Amendment.

Douglas v Jeanett,319 U.S. 157,63 S Ct 8 L Ed 1324.
Srefane v Minard 342 U.S. 117 S Ct 118 96 L Ed 138 ef.
Nixion v Herndon, 273 U.S. 536 47 S Ct 446 , 71 L Ed 59;
Nixion v Gordon, 286 U.S., 73 S Ct 484 76 L Ed 759
Snowden v Hughes 321 U.S. 1,64 S Ct 397,88 L Ed 497
Smith v Allwright 321 U.S. 649, 64 S Ct 757, 88 L Ed 987,
Monroe v Pape 356 U.S. 167, 81 S Ct 473,5 L Ed 2d 492
Egan v Anrora 356 U.S. 514,81 S Ct 648 5 L Ed 714;

42 U.S.C. § 1983, 42 U.S.C.A. § 1983 ;

Provides:
" Every person under any color of any Statute, Ordinance, Regulation, Custom or usage of any State, Territory, subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the .. deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity or other proper proceedings for redress"

The issuance by the Court of any extraordinary writ authorized by 28 U.S.C. § 1651 (a).
Federal Jurisdiction is asserted under R.S. § 1979 and 28 U.S.C. § 1343 and 28 U.S.C. 1331, 28 USCA 1331,

The decision of the Court of First instance, as well as the decision of the 11th Circuit Court of Appeals, are in conflict with the decisions of other Federal Courts of Appeal on the same matter. There has been no Federal rules of Civil Procedure Rule 7(a), answer to

each averment.

There has been no opportunity to be heard.

There has been no confrontation of Witnesses.

There has been no responsive pleadings.

All Federal questions have been ignored.

1) The unlawful taking of property, without full and just compensation.

2) The denial of due process of law, repugnant to our Constitution.

3) The denial of protection of the law, equal to that afforded others, and especially the 11th Circuit has sanctioned;

(a) The void decision of the lower court.

(b) The infliction of cruel and unusual punishment to the tune of

$80,677.47 up to date.

(c) And now, the 11th Circuit beggs for more sanctions on behalf of bribe begging Vail.

This is such a departure by the 11th Circuit Court of Appeals from other Courts, as to call for the exercise of this United States Supreme Courts power of Supervision.

The initial question of Federal Law that should be settled by this Supreme Court is;

1) The corruption and conspiracy in the Wahl/Hodges Court. Such as;

Defendants; " Counsel obtained results sought; dismissal of the case prior to trial, and relief from harassment of the suit"

2) $80,677,.47 already inflicted and still the 11th Circuit demands more Cruel and Unusual Punishment.

g) * * CONCISE STATEMENT OF THE CASE

1) In 1975 the Nassau County School Board caused to be built the Hilliard Elementary School and Bus Shop in an area Northwest of the Town of Hilliard, Florida.

2) The Godfathers took, seized and/or confiscated any and every one's land in the area without any regrads for the rights of any owners of property rights and did trespass by occupation of the lands like that of a Wild Mob of Wild Indians.

3) Then at 12:30 P.M. on March 9th,1981, this Plaintiff was served with a " Summons to show cause,Notice of Eminent Domain Proceedings on Lot 20 Blk 101 and Lot 4 Blk 189 Town of Hilliard,Florida .

4) Lot 4 Blk 189 was owned by Allen Godbee of Fernandina Beach, Florida. Even though it was a wooded lot, with no clearing and no improvements the stamps on the deed of conveyance from Godbee to the School Board revealed that at least$900.00 was paid to Godbee for Lot 4 Blk 189.

This left only Lot 20 Blk 101 and this Plaintiff in the Eniment Domain Proceedings as Godbee was no longer a party.

5) This plaintiff was never offered one thin dime before the day of the alleged hearing.

Plaintiff had acquiesced in the occupation of the land and the portion of the School Bus Shop and did notify the Nassau County School Board of their obligation to pay $200 per month rent

for use and occupation of same"

6) This action is not an appeal of State Action.

There is no possibility of redress for this plaintiff in State Court, THIS IS A CIVIL RIGHTS ACTION.

7) In Monree v Pape 81 S Ct. 473 The Court Holds:

" Section 1979, should be read against the background of tort liability.That makes a man responsible for the natural consequences of his actions"

" The third aim was to provide a Federal remedy where the State remedy though adequate in theory was not available in practice"

8) The Collusion became more and more obvious as the Kangaroo Court proceeded.

9) At the time of the selection of the Jury this Orator knew that the Hand Writing was on the wall, this was a Stacked Deck !

A Flim-Flam, the ever presence of F.S. 877.01(4) effervesced.

10) The Jury admitted to their prejudices because of the Kenon Assassination of Barrow's reputation by the News Media,T.V. News and the State Officials and other street talk.

11) Barrow was allowed to purge two bias jurors with prejudice, however, James Harrison would make no provisions for the removal of not one more prejudiced juror. Harrison ruled that the prejudice was " not cause for removal".

12) Plaintiff's witness was disqualified by Gibbs, Harrison would allow Plaintiff's witness to testify but would not qualify, therefore Plaintiff had no witness. The very presence of F.S 877.01(4) Rhapsodized.

13) Harrison announced that No Compensation would be discussed before the jury (who was then in wait) except for the land.

14) Wherefore, this Plaintiff announced that he would leave the courthouse absent another threat of contempt by James Harrision. Harrison agreed Gleefully" The eyes of Co-hort Marsh Glittered !

15) The jury heard no testimony of the Defendant or any witness for the defendant.

16) With no defendant present at the Kangaroo hearing and no one to represent defendant (this Plaintiff) the court continues;

17) Erroneously, it is alleged that the Verdict of the jury was $250.00 as Just and full compensation to this Landowner.

This was the Creig Marhs Figure.

18) The land (see Godbee Lot for $900 in comparison --- $900.00 plus.

19) Legal Secretarial services $250

20) Rent of $200 per month for use and occupation ---------- $7200.00 Plus interest accuring month to month from date due to date paid to plaintiff -

21) Improvements on land -- -- $7200.00 plus

22) A check No. 102 dated 12/14/83 for $250.00 made payable to John G. Barrow and ALLEN GODBEE, a stranger to this Plaintiff was mailed to consummate the $15550, full and just compemsation due this Plaintiff, landwoner.

23) A collusion was ever so obvious. Look at a parcel of land the same as that of Allen Godbee, plus improvements, paid by worthless check, of $250.00.

ABSOLUTEY NO RESPONSIVE PLEADINGS

From the day of the Original Complaint to this very day there has been absolutely no responsive pleadings pursuant to Federal Rules of Civil Procedure. There has never been an answer to any one averment in the Complaint. All that has been alleged by the defendants has been that of Harvey E Schlesinger's immaginary wild and erroneous allegations in his reports and recommendations. 1) On August 5,1985 Judge Hodges illegal ly, consolidated Quote Hodges; "All of these cases". There is no record, in written form indicating both the evidence and the reason upon which the decisionmaker relied upon to reach such a conclusion, on his own say -so.

SEE: Morrissey v Brewer 92 S Ct @ 2605

This was an abuse of discretion.

2) On the 9th day of December 1985, Harvey E Schlesinger filed a Report and Recommendation and thereby granted defendants Motion to Dismiss amounting to a Summary Judgment.

There is no record in written form indicating both the evidence and the reason upon which the decisionmaker relied upon to reach such a conclusion. Morrissey v Brewer 92 S Ct @ 2605

This was an abuse of discretion.

3) On the 15th day of August 1986, W.T. Hodges did order Harvey E Schlesinger's Order of his Report and Recommendation

There is no record in written form indicating both the evidence and the reason

upon which the decisionmaker relied upon to reach such a conclusion, on his own "Say-So".

Morrissey v Brewer, 92 S Ct @ 2605

This is an abuse, of discretion.

In U.S.C.A. Const.Amend. 5

" A federal Court judgment whether in a civil or a criminal case that is reached without due process of law is void"

There was no Notice of Hearing and there fore no trial by jury after demand. U.S. C.A. Const. Amend. 7

4) On the 26th day of August 1986, Schlesinger put out his War Cry for all defendants co-conspiring Counsel begging for bribes to file their affidavits, so as to split the spoils of their "intended scheme."

There is no record in written form indicating both the evidence and the

reason upon which the decisionmaker relied upon to reach such a conclusion, on his own "Say-so".

This is an abuse of discretion.

5) On the 21st day of March, 1988, Hravey E Schlesinger filed his decision entitled Report and Recommendation that the Motion for Attorney Fees be granted.

There was no record in written form indicating both the evidence and the reason upon which the decisionmaker relied upon to reach such a conclusion.

On his own "Say-So" Morrissey v Brewer 92 S Ct @ 2605

This was an abuse of discretion.

6) On the 2nd day of June, 1988,W.T. Hodges ordered that the Clerk be directed to enter final judgment against this Plaintiff.

PUBLISHER'S NOTE:

The following pages are unavailable for filming:

33, 34 & 35

THE REASONS WHY THE QUESTIONS PRESENTED ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION, WITH BRIEFS ON THE MERITS AND ORAL ARGUMENT FOR THEIR RESOLUTION

1) Twenty District Court Cases and twenty dismissals , case by case, speaks for itself. There is something (sick) ! All issues are well grounded.

2) To be honest with ourselves, let us admit there is something rotten in Denmark !

3) Wherefore, let us turn to the case of Robert Procup v C Strickland et.al. Cite 760 F 2d 1107(1985) The 11th Circuit;

4) " Procup was not entitled to a live-hearing as to the validity of every case he had filed" See United States v Smith 257 F 2d 432 434 (2nd Cir 1958 cert den 359 US 926 79 S Ct 609 3 L Ed 2d (1959)

5) Well, what relevancy has this case got, with Procup ?

PEONS

6) In the court of First Instance and to date, it appears to be also true in the 11th Circuit, there is but two hard cast Classes of Humanity !

a) Obviously we have those humans who either have Deep Deep Pockets, at the command or a Florida Statute 877.01(4) Fee Splitting Counselors.

b) In this Circuit all other pieces of Humanty are Peons. All being a Scurge of Humanty.

All in the same class with Procup and all other convicted of murder, rape, and bank robbery and all other filthy low down crimes.

All pro se persons are but a burden on Society not worthy of the possission of any Constitutional or Civil

Rights. Not worthy of a live-trial. Not worthy of a written record indicating the evidence and the reason relied upon by any decisionmakers conclusion, as a matter of fact not worthy of even seeing the smiling face of a Judge !

7) Pure and simply, too low down for any resemblance of Due Process of Law. Too low down to be entitled to protection of the law, equal to that afforded those with Deep Deep Pockets, in good standing with Hodges.

8) ARTICLE 1, Section 25 provides

" The courts shall be open to every person, for redress of any injury, and Justice shall be administered WITHOUT SALE, denial or delay"

a) From the 9th day of March,1981, and in fact long before that to the present

day, could not be termed DELAY, wherefore delay is rulled out.

b) From March 1981, to the present day, and twenty (20) consecutive dismissals without one of hundreds upon top of hundreds of averments never being adjudicated could not be termed denial.

c) This leaves only SALE of Justice which is not possible because there is no provision in Florida Statute 877.01(4) for a Peon to approach Judge Hodges and/or the other Central Figures in the Wheel Within A Wheel Conspiracy to ascertain, at what price Justice can be bought.

9) In addition thereto, let us now understand the intention of the Central Figures and their many co-con-

conspiring Counselors. Quote Harvey

E Schlesinger. Defendants; " Counsel obtained results sought; (by federal Court) dismissal of the case prior to trial, and relief from the immediate harassment of the suit"(to all defendants)

10) Just what is the message that

this Honorable decisionmaker wishes

to convey when he boasts; Defendants " Counsel obtained the results sought; (by Federal Court) dsimissal of the case prior to trial, and relief from immediate harassment of the, suit" (to all defendants)

This is the Wahl/Hodges Courts law

on equality and justice for all. All

except pro se persons, all of which

are too low for justice !

11) The High and Mighty Decisionmaker

goes on and on ." The record is replete

with Plaintiff's abuse of the judicial

process. In addition to the abuses

found in the present case, Barrow

has filed numerous cases in this court, of which the following have been found to be vexatious and frivolous: 84-64-Civ-J-16; 84-104-Civ-J-14; 84-135-Civ-J-14; 84-191-Civ-J-12; 84-192-Civ-J-16; 84-412-Civ-J-12; 84-414-Civ-J-16; 84-437-Civ-J-16; 84-456-Civ-J-14; 84-588-Civ-J-12; 84-589-Civ-J-12; 84-590-Civ-J-16; 84-981-Civ-J-16; 84-982-Civ-J-14; 84-1191-Civ-J-12; 85-91-Civ-J-12; 85-160-Civ-J-14; and 85-287-Civ-J-12

Plaintiff's litigation strategies in each of these cases has been the same!"

What has all these cases got to do with the instance case ?

Is this Petitioner to undestand that without a F.S. 877.01(4) attorney in good standing with Hodges:

a) That due process means nothing to this Petitioner ?
b) That Petitioner is not worthy of protection?
c) That a decision reached without due process is not void. See U.S.C. A. Amend 5.

d) That denial of jury after demand is not an abuse of power ? U.S.C.A. Amend 7 .
e) That Petitioner is not worthy of a live trial ?
f) That Morressey v Brewer 92 S.Ct. @ 2605 " A written form indicating both evidence and reason relied upon" is intended to apply to Deep Pocket litigants only ?

12) In most of the Great Decision-maker's Reports and Recommendations, Schlesinger does exert great effort, not to administer any adjudication of any issue of any complaint. Conversely, with all ability in his command Schlesinger does tear down and degrade and literally rape this pro se Peon.

13) This is easy to understand. Back in Procup v Strickland this Decision-maker is authorized by the Procup decision to wit:

" Whether a pro se complaint brought in rederal court is properly drawn and whether it states a legitimate claim are questions for the district court alone to determine" Cr. ex parte Hull 312 U.S 546 549 61 S Ct 640 641 85 L Ed 1034 (1941)

14) So let us not judge the Decision-

maker too harshly, Procup v Strick-

land on page 1116 tells us;

" The Magistrate can and should handle most it not all or these proceedings and make recommendations to the District Court"

The Magistrate or a Clerk is directed

to Get Rid of These Peons. See Procup 760 F 2d 1107 (11th Cir)

The Forth-Vise Clerk is to screen all

of the Peons Pleadings. See Procup 760 F 2d 1116 (11th Cir)

The Federal Judge is virtually denied

the privilege . The only thing is,

this ruling puts the sole decision

in the hands of the District Court,

wherefore it does appear that the Peons are denied access to Court of Appeal or any other challenge. This is Sad, in fact this is Sick !

It is hard to believe " My Country Tis Of Deep Pockets, Sweet Land of Deep Pockets, Oh what a Sting !

i) * * * BASIS FOR FEDERAL JURISDICTION IN THE COURT OF FIRST INSTANCE

Same as e) Page 18 thru 21 of this Instrument

By way of reasoning throughout the entire record and the course of proceedings, all of which have been established on the Decisionmakers own " Say-so" and without any written form setting fourth any evidence, or reason relied upon, the Court is Urged by this petitioner to look the entire record right in its face.

1) To begin with, there was filed a Complaint. Fed.R.Civ.P Rule 7 (a) But no answer, has been filed.

2) There was never " a responsive pleading" filed by any Defendant to any Complaint. See: Fed. R.Civ. P. Rule 8(d)..

Harold B Wahl, solicited many of the Counselors of many of the Defendants. Harold already had the Deep Pockets

of A,T.&T. by which to handle the Judges, the Clerks and the Federal Court. What more Clout did (Judge Handling) Wahl need at his command?

4) There were many letters and teleconferences with the majority of the Counsel and various members of the Federal Court System.

5) There was ex parte letters to Judge Hodges and from Judge Hodges, then came his response, ex parte.

6) There was expediting of " the intent of the agreement" that has since been explained ever so clear, by Schlesinger in his confession ,See Page 53

7) At the same time, there was the cooperation of the parties as to the "intent to accomplish the object"

of the agreement.

8) Whereupon, as part of the plan of the oppressive injury directed toward the infliction thereof, on this pro se person, Judge Hodges consolidated " ALL OF THESE CASES". This can never be over come.

9) It would be futile from this point, on, to advance any argument in coupla with any part of the Complaints for the reasons:

a) The Federal Court System or at least Hodges Court System refuses to enforce Fed. R. Civ.P Rule 7(a) and Rule 8(b) as well as Rule 55 except as applied against pro se persons. The Hodges Court's aim is not to enforce the law, but to deprive this pro se person's rights protected by the Constitution

See: Screws v United States, 325 US 106 (1945) (dictum)

b) To obtain results sought; the plan including " an Anti-Federal Intent" with Scienter, which does affect the General public such as this pro se person, in the area of Constitutional control, clearly exhibited by the conspirators is a continuous and " concious union of will" upon this common undertaking. State v Loog, 179 Atl 623 (S.Ct.1935)

c) This Conspiracy by the Wheel Within a Wheel Scheme has "a Corrupt motive" with "wrongful intent". " A meeting of the minds" in an unlawful arrangement " to deny constitutional right of this pro se person. See American Tobacco v U.S.328 US 781 810.

d) " The specific object" of this

conspiracy is to inflict a Felony upon the Constitutional rights of this pro se person " with a Criminal intent" to deny this pro se person and his Complaints any access to Court. The affect of Hodges illegal consolidation can never be eradicated. This amounts to permenent contamination of all cases. See: Yates v U.S. 354 US 298 334;

e) This does Stifle any possibility of due process of law, to this pro se person et.al..And is very dangerous to the Federal Government because of " the Anti-Federal Intent" . Most certainly the denial of due process to all pro se persons, present and threatened.

10) This Wheel Within A Wheel Conspiracy vitaties "public moral" and does constitut evidence of " Overt Acts", proof

of same is Central Figure H.E.S. Confession See Page 53

11) The results of the above described Wheel Within A Wheel conspiracy has been to by-pass all of the adjudication of each and every issue, that has arisen in this confrontation, as expressed by some Counsel, " All that is left for review for this Court of Appeals is that of;

a) "Did Hodges Kangaroo Court abuse its discretion" by the act of inflicting the extortion of tens of thousands upon top of tens of thousands of dollars of sanctions to be awarded as Bribes so as to split the spoils between themselves and their co-conspirators ?

b) Did the court abuse its discretion in the dismissal of Hodges " ALL OF THESE CASES" based upon his void

decision, which was reached without any due process of law whatsoever ? All based upon Schlesinger's " Say-so" which was based upon Melton's void decision, reached without any due process of law.

12) The answer to (a) above is Yes. The Court did abuse its discretion, in substituting relief by due process of law, with extortion of ungodly amounts to be divved up between the Central Figures and their co-conspirators.

13) This cannot be in any reasonable thinking and reading community believed to be equality and justice for all.

14) This Sanction Scam makes a Dirty Fraud out of our Constitution.

15) This Petitioner Urges this Court to take Supervisiory Control by the

adjudication of each of the issues that have arisen by the review of the entire record.

16) Until the emplementation of such procedure is carried out there can be nothing else for any Court of Appeals to review.

17) This filthy corruption in our Federal Court, has got to go !

18) The answer to (b) above is Yes. The Hodges Federal Court has abused it's discretion, by it's " results sought" by the three Central figures. All of which flies up in the face of any respectability of our Federal Court System, and the Constitution of these United States.

" To avoid harassment to their cohorts resulting from a fair and

just trial" is abhorent, loathing and nausiating !

19) The laws of conspiracy punishes intent alone. Lambert v People 9 Cow 578,624-25 m.b. N.Y. (1827)

THE CONFESSION OF THE CENTRAL FIGURES

" Counsel obtained results sought;dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

20) This confession is Loud and Clear, confession of ;

a) "Intent to the agreement". Fowler v Padgett 7 T.R. 509 514.

b) "Intent to the accomplishment".(obtained results sought)

c) A Loud and Clear " Anti-Federal Intent" 18 U.S.C. § 2312

d) "An intent to do wrong", because of alleging to have immunity. (dis-

missal of the case prior to trial, relief for co-horts)

e) "A specific object" to attain a felonious injury , inflicted upon the person of this pro se person. See: People v Dorman, 415,111, 385 114 N.E. 2d 404 (1953)

The Central Figures are guilty of the one Conspiracy and of other conspiracies because of informing each by each and other individuals with whom they plot.

Mendelson v United States,58 F 2d 532 (D.C. Cir 1932)
Regins v Murphy 8 Car 7 P 297 173 Eng Rep 502 (Q.B. 1837)

In connection with the preceeding , summary of the argument, let us take up a review of the "Overt Acts" with Scienter committed by the Wheel Within A Wheel Conspirators. Not in one case omly but Hodges " ALL OF THESE CASES"

"An Epidemic of Overt Acts". Proof of which is not only the confession of Harvey E Schlesinger, on behalf of the Central Figures, but also the end results, this amounts to proof of the Pudding. All reeking with an extremely high pungent aroma. " Each new overt act" renews the running of the Statute.

SEE; Gruewald v United States 353 U.S. 391-396,97 (1957)
Ware v United States, 154 Fed. 577, 579 (8th Cir) cert den. 207 U.S. 588 (1907)
Cooke v People 231 111, 9 82 N.E. 863 (1907)
People v Hines, 284 N.Y. 93,29 N.E. 2d 493 (1940)

Petitioner does ever so urgently, call upon this Honorable Supreme Court to defend its Honor by the eradication of this dastardly Wheel Within a Wheel Corruption in our Federal Court System. It goes beyond disgrace and disgust. In addition to " the Central

Figure's Confession" and end results of vitiating Hodges " ALL OF THESE CASES" and the void discision because of being reached without due process of law, what more evidence of conspiracy and corruption do you need ?

Will it be left up to the United States Congress ?

If the sixteen void decisions --- Sixteen void decisions in consession, are swept under the rug, will they stay there ? Or, will they Haunt forever those who have neglected their duty ?

This question has been raised.

WHAT SAY YE?

In Paoli v United States, 352 U.S. 232; The Supreme Court Holds:

" The Appellate Court may examine the particular circumstances in each case"

LET US NOT FORGET

All of the above included in this instrument and the entire record can be said in but one word. OPPRESSION !

1) In People v Laerman, 28 N.Y. S 2d 360

The Court Holds:

" A public officer who unlawfully arrests another or detains him against his will, or seizes or levies upon another's PROPERTY or dispossesses another of any lands or tenements or does any other act whereby another person is INJURED IN HIS PERSON, PROPERTY OR RIGHTS is guilty of oppression, Oppression is an un-lawful use of authority and it is not committed by threats but by an unlawful act of the accused".

2) By the neglect of the Court of First Instance, to enforce Federal Rules of Civil Procedure Rule 7 (a), 8(b) and 8 (d) and Rule 55 there is vividly demonistrated a willingness to Vex

Harass and to injure consistent with " Wrongful Intent To Injure" this pro se Petitioner.

OFFER TO AMEND

Just any way on God's Green Earth that this pro se person is allowed to Amend this Petition and/or add thereto, or replace . I do hereby offer to do immediately upon being informed.

The $200.00 Fee has already been mailed to the Clerk's Office.

j) * * A DIRECT AND CONCISE ARGUMENT AMPLIFYING THE REASON RELIED UPON FOR THE ALLOWANCE OF THE WRIT.

The Federal Questions:

1) Taking of property illegally.

2) Denial of protection of the law, equal to that afforded others.

3) Denial of any opportunity to be heard (due process) See: Parrett v Taylor, 101 S.Ct.1908.

4) Impairing of obligation of contract with the State sale by taking without just compensation.

5) Infliction of a total of $80,677.47 up to date in punishment for seeking redress in Federal Court without any due process of law appropriate to the circumstances.

All of these are special and important reasons to invoke our Constitution

of these United States, and does beg for an exercise of the United States Supreme Court's Power of Supervision.

In the United States v Ritter, 10 Cir 273 F 2d 30 32 cert den. 362 U.S. 950 80 S Ct 863 4 L Ed 2d 869.
In Occidential Petroleum Corp. v Chandler 10 Cir 303 F 2d 55 Cert den 372 U.S. 915 83 S Ct 718 9 L Ed 2d 722 reh den 373 U.S. 906 83 S Ct 1288 10 L Ed 2d 201.

These Courts hold:

" The jurisdiction of this court to take action to guarantee a fair and impartial trial is no longer open to question upon an adequate showing , this court has held that it has the ' power and inescapable duty' whether under the all write statute 28 U.S.C. § 1651 or, under its inherent powers of appellate jurisdiction to effectuate what seems to us to be manifest ends of justice"

The Court of First Instance awarding $12,019.83 in Harrison only, is Cruel and Unjust Punishment for seeking redress and relief in Federal Court is unconscionable.

However, when the 11th Circuit remands the case back to the Court of First Instance for even more Cruel and Unjust Punishment. See Exhibit "B". This does truly prove to this Petitioner that it is time for this Courts implementation of the ALL WRITS STATUTE 28 U.S.C. § 1651. This total of $80,677.47 in Cruel and un just Punishment is class (pro se person) based, biased and can be said to be none other.

The total of the $80,677.47 of Cruel and Unjust Punishment for seeking relief in the Federal Court is not all in this instant case.

However, it has an extremely close copula because of the Honorable William Terrell Hodges consolidation of Quote: " All of these cases" and " Central

Figure Number Two Schlesinger and

" Harold B. (Judge handling) Wahl

constant amalgramation of all twenty

cases into one gommed up rape of this

Petitioners Constitutional rights.

The Conspiracy of the Wheel Within A

Wheel conglomerate and their R.I.C.O.

Acts cannot be ignored or cast aside.

" Statute authorizing Attorneys fees was not passed for the benefit of attorneys.

Or, to make Rich Attorneys even Richer which does apply to very Rich Judges and other Central figures in Conspiracies, such as the co-horts of the Wheel Within A Wheel Conspiracy,who achieved " Results sought; without even a smack of due process of law.

In Donaldson v Clark, 786 F 2d 1570 (11t

Cir 1956)

The Court Holds:

" Where a criminal contempt proceeding is not a summary contempt proceeding under Fed R.Crim P. 42(a) to punish conduct committed in the actual presence of

the court, the court must abide by the due process requirements set forth in Rule 42(b) of the Federal Rules of Criminal Procedure, Rule 42(b). Provides in part:

A Criminal Contempt . . . shall be prosecuted on notice . The notice shall state reasonable time for the preparation of the defense, and shall state the essential facts constituting the criminal contempt charged and describe it as such THE NOTICE SHALL BE GIVEN ORALLY BY THE JUDGE IN OPEN COURT or, on application of the United States Attorney or, of an attorney appointed by the Court for that purpose by an order to show cause or an order of arrest. The defendant is entitled to a trial by jury in any case in which an act of Congress so provides.

(9) The district court in the instant case failed to afford Mr.-Howard Barrow the procedural safe guards applicable to criminal contempt proceedings.

The court did not inform Mr-Howard- Barrow in advance of the specific reasons for which he might be fined. Also the court did not give-Mr.-Howard-, Barrow a reasonable opportunity to prepare a defense against specific charges or a hearing to present such defense.

All decisions of " All of these cases" should be held unlawful and set aside for reasons set forth in 5 U.S.C. § 706 (2) and because of all decisions being

reached without any due process of law, including " No opportunity to be heard"

CREATION OF REMEDY

" In a case of actual controversy within its jurisdiction escept with respect to Federal Taxes, any court of the United states and the District Court for the Territory of Alaska, upon filing an appropriate pleading, may declare the rights and other relations of any interested party seeking such declaration, whether or not other relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such"

28 U.S.C.A. § 2202

FURTHER RELIEF

" Further relief necessary or proper relief based on a declaratoty judgment of decree may be granted after reasonable notice and hearing against any adverse party whose rights have been determined by such judgment"

See; Also 28 U.S.C.A. § 2106.

AFFIDAVIT OF SERVICE OF BRIEF

STATE OF FLORIDA
COUNTY OF NASSAU

Before me, this day personally appeared JOHN G. BARROW JR, who being first duly sworn deposes and says that I will deposit in a United Parcel Service, three true copies of this Petition for Certiorari, all charge prepaid thereon addressed to Marshall Wood P.O. Drawer P. Fernandina Beach, Fl. 32034, Jason Vail The Capitol Tallahassee, Fl. 32399, Suite 1501, Harold B Wahl 920 Barnett Bank Bldg, Jacksonville Fl. 32202. Counsel of Record, the 20th day of November, 1988.

John G Barrow

JOHN G. BARROW JR

ACKNOWLEDGMENT OF PERSONS

Before me, personally appeared John G. Barrow Jr, to me well known and to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS MY HAND AND OFFICIAL SEAL the 20th day of November, 1988.

Alma M. Barrow

Notary Public
State of Florida

Notary Public, State of Florida
My Commission Expires Nov. 20, 1988
Bonded Thru Tony Faio Insurance, Inc.

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

JOHN G. BARROW JR

Petitioner

VS.

JAMES HARRISON, et.al.

Respondent,

****

MOTION FOR LEAVE TO FILE A
PETITION FOR WRIT OF CERTIORARI
BY A PERSON APPEARING pro se

##########

Comes now, Plaintiff-Appellant- Petitioner in Barrow v Harrison, requesting leave to file this Petition for Writ of Certiorari as a person appearing pro se.

This Petitioner has tried for years to obtain Counsel in Jacksonville, Florida in other parts of Florida, in Georgia,

New Jersey, New York, Philadelphia, Utah and Texas.

On one occasion Petitioner was told by Race Horse Haines of National reputation, in Dallas Texas, that it would cost $5,000.00 for attorney Hianes to look into such an arrangement. The Money Order was mailed to Mr Haines, who in a few weeks returned the Money Order for $5,000.00 expressing his regrets, but no thanks.

You see, the problem is that the News Media has smutted and smeared this Plaintiff-Appellant- Petitioner without mercy, world wide for acts not committed by this Petitioner, however, all attorneys who express a reason, state that their " Public Relations will not

stand Petitioners adverse publicity.

Specifically and to the point in this Case there is and never has been anything but Good-Faith shown by this Petitioner while presenting to the best belief and best effort shown, for a pro se Person to exhibit in giving this Honorable Court a First hand view of this fraud being perpetrated on this pro se Person.

This pro se Person does have the same Constitutional demand for protection of the law, as is afforded others involved, with all others in the States of this Great United States.

Respectfully Submitted

John G Barrow

I HEREBY CERTIFY this 20th day of November 1988, that I did furnish a true copy of the above to Counsel of Record.

John G Barrow

John G. Barrow Jr
A Layman without legal education
Rt 1 Box 470
Callahan, Fl 32011

Case Number

88-944

Supreme Court, U.S.
FILED
SEP 16 1988
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

United States SUPREME Court

FALL TERM 1988

APPENDIX TO

PETITION FOR WRIT OF CERTIORARI

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
VS.
JAMES HARRISON et. al.
Defendant - Appellee - Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

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. (110)
Amd. V and Amd. XIV 42 U.S.C.A. § 1983) § 19 42 U.S.C. A. § 1985) Under the Civil Rights Act.

b) Deprivation of Full and Just Compensation including Rent for " Use and Occupation" 28 U.S.C. § 1343) 18 U.S.C. § 242) 18 U.S. C.A. § 1331, under the civil rights act.

c) § 241 Conspiracy R.S. 1979 § 1343 Sec 6. resulting in injury to Plaintiff, under color of office.

(i) Apart from the conspiracy Section 1985 of Title 42.

(ii) As a results of the collusion conspired by defendants to commit the Tort, Plaintiff was injured.

(iii) Injuries sustained and Damages.

(iv) Malice with Scienter on part of Defendants, resulted in mental anguish.

THE CONSPIRACY EFFERVESCED

1) In Torreyton v Dutton et al 188 So 805 and in Heffner v Northwestern Mutual Life Ins. Co. 123 U.S. 747 748 8 S Ct 337 L Ed 309 . In Cases there cited 61 C.J. 280 Sec. 1795.

The Supreme Court of Florida Held:

" If a valid tax deed has been applied for and had been issued under the certificate, the gurantee of the tax deed would have thereby acquired a Complete, New Independent grant from the sovereignty which would have barred or extinguished all prior titles and encumbrances of private persons and all equities arising out of them"

2) Direct evidence is not necessary in Collusion.

In State v Spalding 19 Conn 233 237 48 Am dec 158; and In State v Murphy 124 Conn 60 at page 79 9 A 2d 63 and, In State v Hayes 127 Conn 543 555, 18 A 2d 895, and In State v Rich,129 Conn. 537 540 20 A 2d 771; and, In State v Failliace, 56 A 2d 167.

The Court held that:

" A hundred years ago, that conspiracy can seldom be proved by direct evidence, but may be inferred from acts done"

3) In State v Murphy,124 Conn 554 1 A 2d 274 and In State v Spalding,19 Conn 233 237 48 Am Dec 158;

The Court has held:

" The proof of this (conspiracy) is not often made by direct open positive evidence butmore generally and more naturally by proving a repetition of acts done of a character to show mutual purpose" In such case it is seldom true that any one act taken by

(112)
itself can be detected as tending to prove a combination, but when it is seen in connection with other acts its true nature is discovered. So as this species of proof is multiplied a strong case of unlawful conspiracy is often established"

4) In State v Rich,29 A 2d 771 The Court Held;

" To constitute a conspiracy there need be no formal agreement between the parties, it is enough if there is a mutual purpose to do the forbidden act"

5) In State v Kemp,126 Conn. 60 79 A 2d 63

The Court Held:

" A conspiracy may be established by proof of seperate acts of individual conspiracies done in accomplishment of the common purpose"

6) In State v Cannon,75 Conn 206 216 52 A 272
The Court Held;

" If evidence offered by the State was insufficient in itself to prove the guilt of the defendants beyond a reasonable doubt it was at least sufficient to cast upon them the burden of explaining the incriminating circumstances"

7) In Monroe v Pape 81 S Ct 473; The Court Held;

" Section 1979 should be read against the background of Tort liability that makes a man responsible for the natur-

al, consequences of his actions"

8) Federal Jurisdiction must be asserted under R.S. § 1979 and 28 U.S.C. § 1343 and 28 U.S.C.§ 1331, 28 U.S.C.A. § 1331

This Plaintiff does hereby invoke the Constitution of these United States.

COLOR OF OFFICE

1) In Monroe v Pape,365 167 & 81 S Ct 473;

The Court has held:

> " Misuse of power possessed by virtue of State law and made possible only because the Wrong Doer is clothed with authority of State Law is action taken under color of law"

2) Allegations of facts constituting a deprivation Under Color of State Authority of rights guaranteed by Fourteenth Amendment, satisfy requirements of Statute making any person who under color of State Statute, Ordinance, etc.deprives any citizen of his constitutional rights, liable to party injured. U.S.C.A. Const.Amends 4,14,S,H.A. 111 art 2 § 6, 42 U.S.C.A. § 1983.

3) Congress has power to enforce Fourteenth against those who carry Badge of Authority of a State and represent it in some capacity, whether they act in accordance with their authority or, misuse it. U.S. C.A. Const. Amend 14.

4) One reason for passing of Federal Statute providing that every person who under color of any State Statute, Ordinance,Custom etc. deprives any citizen of the United States his constitutional Rights is liable to party injured, was to afford a Federal Right in Federal Court where because of Passion, Prejudice, Neglect, Intolerance, or otherwise, State Laws might not be enforced and claim of citizens to enjoyment of rights, privileges and immunity guaranteed by Fourteenth Amendment might be denied by State Agencies 42 U.S.C.A. § 1983; U.S.C.A. Const. Amend14.

5) Under Statute making every person who under Color of any State, Statute, Ordinance, Regulation etc. deprives any citizen of the United States of his Constitutional Rights liable to party injured. Federal Remedy is supplementary to the State remedy if any, need not be first sought and refused before a Federal one is invoked. 42 U.S.C.A. § 1983.

6) This case presents important questions concerning the construction of R.S.§ 1979 42 U.S.C. § 1983) U.S.C.A. § 1983.

Which reads as follows:

" Every person who under color of any Statute, Ordinance, Regulation, Custom or Usuage of any State or Territory subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights Privileges or immunities secured by the constitution and laws , shall be liable to party injured in an action at law, suit

in equity or, other proper pro ceedings for redress"

7) Section 1979 should be read against the background of TORT LIABILITY that makes a man responsible for the Natural Consequences of his actions."

8) Since the 14th Amendment forbids any State from making or enforcing any law abridging these privileges and immunities as you can not reach the Legislature, the injured party should have an original action in our Federal Courts.

9) " Every person who under color of Statute Ordinance, regulation, custom or Usuage of any State * * * subjects or causes to be subjected any citizen of the United States or, other person within the contributing to the deprivation of any rights, privileges or immunities, secured by the Constitution and laws shall be liable to party injured in an action at law, suit in equity or other proper proceeding for redress"

10) Plaintiff Respectfully requests this Court to not blind itself to: 365 U.S. 167 S Ct 473.

" The existence of a State remedy for the alleged wrong did not affect the right of plaintiff to federal courts for relief. A plaintiff need not seek or resort to a State Remedy even if such remedy is adequate and available"

11) In The United States v Mosley 238 U.S. 35 S Ct 904 The Court Held;

" If one or more persons conspire to injure oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right, or privilege secured to him by the Constitution or laws, in the United States or, because of his having so exercised same * * * they shall be fined not more than $5,000 and imprisoned not more than ten years and shall moreover be thereafter inelegible to any office or place of honor, profit or trust created by the Constitution or laws of the United States"

Some of the enforcement acts were repealed in 1909, but Section 6 as then reenacted stands good for whatever it properly covers"

12) In ex parte Young 209 US 123 The Court holds:

" * * * * since the sovereign can do no wrong, if an Official actually does wrong he (or she) has placed himself(herself) outside the protection of sovereign immunity"

13) In Monroe v Pape, 81 S Ct The court has held:

" There can be no doubt at least since Ex parte Virginia, 100 US 339 346,347 , 25 L Ed 676. That Congress has the power to enforce provisions of the Fourteenth Amendment against those who carry a Badge of authority of a State and represent it in same capacity, whether they act in accordance with their authority or misuse it" Home Tele Co. v City of Los Angles, 227 US 287, 296 33 S Ct 312,314,318, 57, L Ed 510.

JURISDICTIONAL MINIMUM

14) The trangression by James,Harrison Marks, Gray,Conroy and Gibbs,The Nassau County School Board, of Plaintiff's rights far exceed the jurisdictional Minimum of the District Courts.

15) The Law Firm of Marks, Gray,Conroy and Gibbs, and James Harrison, did embark upon a Campaign to deprive Plaintiff of First Amendment Rights, to deprive Plaintiff of Due Process of law and equal protection of the laws.* * * his property rights without due process of law. 28 U.S.C § 1331 is invoked.

"First Amendment Rights are secured to Plaintiff by the Due Process Clause of the Fourteenth Amendment to the Federal Constitution against State infringement by the State. Equal protection of the laws of a State is also secured against state infringement by the equal protectionClauses of that Amendment.

The Complaint therefore meets the first requirement, for Starting a Cause of Action under § 1983.

Whether the Complaint meets the Second Requirement, of alleging facts, sufficient to show that James Harrison, the law firm of Marks, Gray, Conroy and Gibbs, and the Nassau County School Board, acted Under Color of Law, is more difficult. When a Complaint meets the first requirement, and the Defendants are Officer or Official the Second Requirement is automatically met.

" Misuse of power, possessed by virtue of State Law and made possible only because the Wrong Doer is clothed with the authority of a State Law" Monroe v Pape, 365, US 167, 184, 81 S.Ct 473, 482 5 L Ed 2d (1961) quoting from United States v Classic, 313, US 299, 326, 61 S Ct. 1031, 85 L Ed (1941)

In Aickers Supra, Mr Justice Brennan in his opinion concurreing in part said: " Thus a Public OFFicial acting by virtue of his Official Capacity always acts under color of State Statute or other law whether or not he overtly relies on that authority to support his action and whether or not that action violates state law" 398, US @ 212 S Ct @ 1631. Opinion of Brennan.

16) To act under color of law does not

require that the accused be an officer of the State. It is enough that he is a WILFUL PARTICIPANT in joint activity with the State or its Agents" United States v Price, 383, US @789, 86 S Ct 1152 16 L Ed 2d 276) 398 US @ 152 S Ct @ 1605 , Majority Opinion.

17) In Mullary v Berglum, 323 F Supp 1218; The Court Held:

" Requirement of Civil Rights Statute, that Plaintiff alleges facts sufficient to show that Defendants acted Under Color of Law, is automatically met when Defendants are State Officers or Officials"

" It is therefore un-necessary to the maintainance of an Action Under § 1985 (2) to allege or show any State Action or involvement by any State Official" United States v Kress & Co. Supra 398 US @ 208 210, 90 S Ct.

18) Neither James Harrison, the Law Firm of Marks, Gray, Conroy and Gibbs nor the Nassau County School Board are mere wilful participants, they are all Head Honshoes in this collusion.

19) In Pendrell v Chatam College Civ No. 71,-1160. The Court Held:

" Two elements which must be demonstrated in order to state a Cause of Action under Civil Rights Acts are

a deprivation of Constitutionally guaranteed right, that the deprivation by a Defendant who acted under Color of State Law"
42 U.S.C.A. § 1983

20) Because of defendants conspiring to deny Plaintiff of Rights protected by 42 U.S.C. § 1985 , Plaintiff does herewith invoke the Constitution of the United States and 42 U.S.C. § 1343 Also § 5508.

21) (a) In Mullarky v Borgium, 323, F Supp 1218, The Court Held:

" It is therefore un-necessary to the maintenence of an action under § 1985 (2) , to allege or show any State action or involvement by any State Official"
United States v Guest,382 US 745 86 S.Ct.1170 16 L Ed 2d 239 and;
In Acikers v Kress 7 Co supra 398 US @ 208 210 90 S Ct .

b) The acts complained of,was perpetrated by State Officers.

22) CONSPIRACY

a) The first smack of conspiracy was

at the time of the First Eminent Domain Proceeding mentioned above.

b) The Second smack of Conspiracy was that of Harrison's dismissal, of Barrows Amended Complaint.

c) The collusion became more obvious as the Kangaroo Court proceeded.

d) At the time of the selection of the jury this Orator knew that the Hand writing was on the wall -- this was a stacked deck --- a flim-flam, the ever presence of F.S. 877.01(4) effervesced !

e) The jury, admitted to their prejudices because of the Kenon assassination of Barrow's reputation by the News Media T.V. News and the State Officials,and other Street Talk.

f) Barrow was allowed to purge two of the Bias Jurors with prejudice,however

.(122)
James Hrrrison would make no provisions for the removal of Not One More Prejudicial Juror, Harrison ruled --- that the prejudice was " Not cause for Removal" Harrison, Gibbs and Barrow, all knew that Barrow did not even have a Prayer, resembling Justice. Not a China Man's Chance !

g) In the Chambers the day of the Kangaroo Court hearing, Conspiracy saturated the Air. Harrison denied Barrow the right to engage a Court Reporter, " Only One STORY will come out of this Courtroom" was Harrison's added remark.

23) James Harrison and Gibbs held their Kangaroo Court orchestrated by Craig Marsh, School Supertintendent.

24) Plaintiff's witness was disqualified by Gibbs, Harrison would allow

Plaintiff's witness to testify, but would not qualify, therefore Plaintiff had no witness.

The ever presence of F.S. 877.01(4) Rhapsodized !

25) Plaintiff objected to Craig Marsh being a witness, sitting in, and orchestrating all hearings, for this, Harrison coerced this Plaintiff, with threat of Contempt.

This Plaintiff alleged that Gibbs instructions to the jury were unconscionable, for this, Harrison again coreced this Plaintiff with threat of Contempt.

The ever presence of F.S. 877.01(4) effervesved !

26) The Black Deputy was sitting in. awaiting Harrison's Orders to take

. (124)
this Plaintiff away again, to the Federal Detention Prison in Yulee.

27) The hand writing was on the Wall This Plaintiff knew there would be no JUSTICE, in Harrison's Court. That false arrest was evident and eminent.

28) Harrison announced that No Compensation would be discussed before the Jury, who was in wait, except for the land.

29) The Florida Statute requires that rent SHALL BE CONSIDERED. There was the interest from the day of the taking until the day of Judgment. There was $250 submitted for Legal Secretarial Service. Harrison denied same. The Value of the Building was not allowed under Harrison's Orders, there was not even a Smack of Justice

remaining. The ever presence of F.S. 877.01(4) was effervescing !

Wherefore, this Plaintiff announced that he would leave the Courthouse absent another threat of contempt by James Harrison-- Harrison agreed gleefully ! The Eyes of his co-horts glittered !

KANGROO COURT CONTINUED

30) With no Defendant present at the Kangaroo Hearing and no one to represent Defendant (this Plaintiff) the Court continued.

31) The jury heard no testimony of the Defendant or any witness for defendant.

32) It is alleged that the verdict of the jury was $250 as just and full compensation for this Plaintiff.

(126)

a) Land (see Godbee Lot $900, $900

b) Legal Secretarial Services $250

c) Rent of $250 per month , for use and occupation ---------- $7200. plus, interest accuring month to month from date due to date paid to this plaintiff.

d) Improvements on land ----- $7200

Full and just compensation $15550.00

33) A check No. 102 dated 12/14/83 for $250.00 made payable to John G. Barrow AND ALLEN GODBEE, a stranger to this Plaintiff was mailed to consummate the $15550.00 Full and Just Compensation due this Plaintiff.

34) A Collusion was ever so obvious Look at a parcel of land the same as that of Allen Godbee's plus clearing, plus improvements, plus appreciation,

plus rent month to month, for use and occupation @ $200.00 due until date paid and $250 Legal Secretarial Fees and all consummated for a WORTHLESS CHECK No. 102 for consummating $15550.00

35) Is this what the United States Supreme Court meant ? In West Chicago Park Com's. V Boal 83 N.E. 824 837 , 232 111, 248;

The Court Held: " The fair cash value in the Market of the leasehold interest and the BUILDING on the various lots at the date of filing petition"

In U.S. ex rel Tennassee Val. Authority v. Indian Creek Marble Co. D.C. Tenn. 40 F Supp 811 818, 819;
The Court Held That:

" Same market value as that which he had prior to the taking and the theory of " compensation" revolves around the idea of willingness to sell under no complusion and willingness and ability to buy, but with no Coercive need"

In National City Bank of N.Y. v U.S. 275, F 855 859;

(128)

The Court Held;

" The market must be a FREE MARKET as prices prevailing in a market NOT FREE are NOT the measure of compensation"

In State ex rel Board of Regents for Central Mo State College v Moriarty Mo App 361 S.W. 2d 133,135;

The Court Held: " When offered for Sale, and purchased by one willing"

In re Armory Site in Kansas City,Mo 282 S.W. 2d 464 470

The Court Held" " What a reasonable buyer willing, but not compelled to purchase land, would take therefor"

In City of Chicago v Giedralits, 150 N.E. 2d 577, 579, 14 111, 2d45;

The Court Held: " For its highest and Best Use"

In Donaldson v City of Bismark, 3 N.W. 2d 808 818 71, N.D. 592;

The Court held:

" Danages recoverable as " just compensation" by owner of property that had been taken or damaged in violation of the Constitution includes such additional amount beyond value of the property or the amount of the damage to the property"

In Williams Land Co v U.S. 31 F Supp 154 159 90 S Ct 499;

The Court Held:

" Interest upon a condemnation award is payable as a part of " Just Compensation whether or not it is authorized by Statute"

In U.S. v Klamath and Moadock Tribes Ct Cl 58 S Ct 799, 801 304 US 119 82 L Ed 1219.

The Court Held:

" Which is the value at the time of the taking, PLUS an amount sufficient to produce the full equivalent of that value paid"

36) In U.S.C.A. Const.Amend 14; Tex Art 1 Sec. 19 and;
In Bielelecki v City of Port Author Tex 12 N.W. 2d 976, 978.

The Court Held:

" A citizen has a lawful right to use his property for any purpose he may see fit, so long as such use does not operate to substantially injure the rights of others and a denial of such right is a " deprivation of property" within due process clauses of State and federal Cobstitutions"

37) In Lee v State , 13 So 2d 583 and In State v Hughes, 2 Ala 102 36 Am Dec 411 and;
In Lewis v U.S. 146 US 370, 374, 13 S Ct 136 137, 36 L Ed 1011, 1013 and;
In Hope v Utah, 110 US 574, 4 S Ct 202 28 L ed 262 and;
In Percer v State, 118 Tenn 765, 103 S.W. 780, and;
In Riddle v Commonwealth, 216 Ky 220 287, S.W. 704;

The Court Held:

" The inquiry then, is whether or not the defendant may, or can, judically divest himself by consent or waiver, of this constitutional protection (and it has been held to be constitutional right to be personally present when the verdict of the jury is returned"

38) This Plaintiff did not waive

ANYTHING !

This Plaintiff when he left Harrison's

Kangaroo Court was in Flight for his

Freedom, and very possibility for his

life. Hate feeds on itself.

39) If, in fact it is true that the

verdict of the jury of the Kang-
aroo Court was but $250 to be divided
between Godbee (who had no interest
whatsoever, in the property being con-
demned and this plaintiff, then it is
ever so conclusive that the $250 award
was so grossly disaportionate to any
resemblance of " Full and Just Compen-
sation" reasonably warrented by facts,
as to raise immediate presumption of
Passion, Prejudice or Corruption by
F.S. 877.01(4).

ACT ONE NOT ENDED HOWEVER; Like that
of a three Ring Circus.

ACT TWO BEGINS

Channel 12 WTLV , wanted part of the
Action. !

1) On the 25th day of June A.D. 1984
One Laura Cook by phone requested an

(132)
interview, This was not granted.

2) Plaintiff explained that he would not be available. Laura Cook was stalled.

3) She insisted on calling back on the morning of the 26th day of June and again she was denied a personal interview.

The denial of a personal interview made no difference whatsoever.

Before 1:00 P.M. Laura Cook was Ramming and Framming on Barrow's front door.

4) Mean while her co-horting Camera man was also invading the privacy of the Barrow family by taking pictures.

There is nothing newsworthy of how low down into the bottomless pit of poverty the State Officials and the News Media has succeeded in driving the Barrow

family's standard of living. It was obvious that the picture taking was for the purpose of more Smear and Smutt.

5) Then on the 6 P.M. News of Channel 12 WTLV came Ernie Mastronianni's Bomb Blast of Plaintiff's reputation.

6) Ernie Mastroanni's Massacre of Barrow's reputation begins Quote:

" Remember John Barrow, the fellow that evicted the Colored Couple in Quincy, the fellow that buys tax Certificates ? "

7) Mastroanni and Channel 12 WTLV was served by Certfiied Mail # P 651-872-683 a " Demand for Retraction and Apology" The date of the delivery is attested to by the return post marked June 29, A.D. 1984.

(134)

To this date there has been no Notice of Retraction, no response of any kind or nature, only a continued acqicescence.

8) Channel 12 WTLV should be given an opportunity to prove their Character Assassinating", Eviction of the Colored Couple" to supply the Case Number and the Date of filing the Case, of the " Eviction of the Colored Couple"

9) Channel 12 WTLV is not only wreckless with the truth, and the reputation that they murder, they are also negligent to ascertain the truth, while merchandising their Smutt and Smear.

10) The Group of State Officials and the News Media are to be compared to the Head of an Octopus. At different

times it associated with itself the other defendant (the arms of the octopus) whose co-operation was of different kinds but always was in furtherance of the single conspiracy. The arms might not help or be associated with each other but were always attached to and endeavored to forward the purpose of the Head.

11) The intent of the Conspirators are to erroenously picture Barrow (who is forced to live in lower levels of poverty) as a wealthy individual who takes advantage of and unjustly forecloses on the poor, thereby making a Class appeal and branding Barrow as a Villan and Heartless.

12) Broadcasting such Rot into the homes has a devistating effect on

public opinion of all prospective jurors, culminating in a Shot Gun Blast of tampering with the jurors minds before they are selected.

13) In State v Spalding, 19 Conn 233 237, 48 Am Dec 158 and;
In State v Murphy, 124 Conn 554 564 1 A 2d 274 ; and
In Reg. v Myrphy 8 Car 7 P (Eng) 297, 310, and
In Commonwealth v Warren, 6 Miss 74, 75, ; and
In Commonwealth v McClean, 2 Pars Sel Eq Pa 367, 368 ; and;
In People v Looney 324 111 375, 384 155 N.E. 363 and;
In 2 Wharton Criminal Law 12th Ed § 1667, and
In State v Hayes, 18 A 2d 895;

All these courts hold:

" The proof of this (conspiracy) is not often made, by direct, open, positive evidence; but more generally and more naturally by proving a repetition of the acts of a character conducing to show a mutual purpose. In such case it is seldom true, that anyone act taken by itself can be detected as tending to prove a combination; but when it is seen in connexion with other acts; its true nature may

be discovered, An so as this species of proof is multiplied, a strong case of unlawful conspiracy is often established"

Wherefore; it is because of;

a) The complexity of this litigation

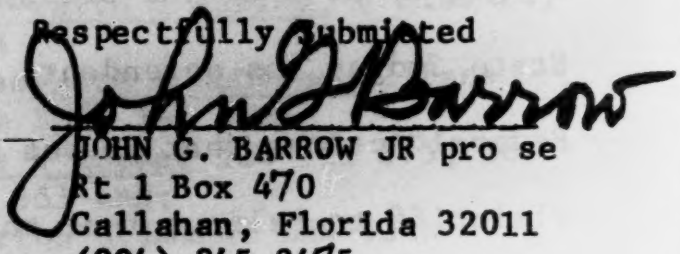
b) The many Federal Questions raised are substantial.

c) The One Federal Judge v One Federal Judge, as well as the pressure of other State Judges, as defendants in other Federal Actions that causes this Plaintiff to believe that this case may require a Three-Judge District Court One District Judge should not be called upon to invade the provence of, or be subjected to the pressure of a Three Judge District Court.

This Plaintiff has been so servely injured so many times and for such

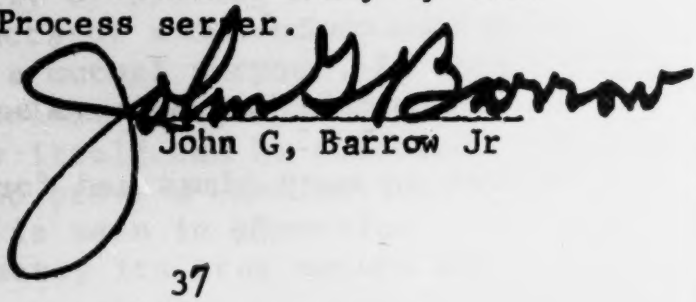
a long peroid of time that it is incumbent upon this Honorable Court to turn this Plaintiff's Ship around, in the name of Humanty and Good conscience. While urging this upon the Court, Plaintiff Prays what ever relief this Court finds Meet and Proper.

Respectfully Submitted



JOHN G. BARROW JR pro se
Rt 1 Box 470
Callahan, Florida 32011
(904) 845-2475

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished the 30th day of July, 1984 to: J.A. Peters The Capitol, Tallahassee, Fla. Marshall E Wood P.O. Box P Fernandina Beach, Fla 32034, Ernie Mastronianni, Laura Cook, Channel 12 WTLV / Howard Kelley by U.S. Mail and/or Process server.



John G, Barrow Jr

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

JOHN G. BARROW JR,
Plaintiff,

VS Case No. 84-589-Civ-J-10

JAMES HARRISON et al

Defendants

REPORT AN RECOMMENDATION

STATUS

An Order was entered stating that this case would be dismissed and that Rule 11, Federal Rules of Civil Procedure sanctions of costs and attorney's fees would be assessed following this Court's recommendation on the appropriate fees and costs. All parties wishing to assert a claim(s) for attorney's fees and/or costs were instructed to submit affi-vadits and time sheets detailing the

hours consumed in defense of the case.

Defendants have moved for attorney's fees. Affidavits and time sheets were properly submitted and a hearing was held.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Rule 11 as amended in 1983, is designed to discourage litigants who act in bad-faith in instituting or conducting litigation. See: e.g. Roadway Express, Inc. V Piper, 447, U.S. 752, (1980) Hall v Cole 412 U.S. 1, 5, (1973) applies to anyone who signs a pleading, motion or other paper.

By its own language, Rule 11 is not limited to attorneys but applies equally to pro se parties. This Court

of course, has discretion to take into consideration the special circumstances, arising in pro se situations. Haines v Kerner 404 U.S. 519,(1972).It has done so in this case.

The record is replete with plaintiff's abuse of the judicial process. In addition to the abuses found in the present case, Barrow has filed numerous cases in this Court, of which the following have been found to be vexatious and frivolous.

84-64-Civ-J-16; 84-104-Civ-J-14;
84-135-Civ-J-14; 84-191-Civ-J-12;
84-192-Civ-J-16; 84-412-Civ-J-12;
84-414-Civ-J-16; 84-437-Civ-J-16;
84-456-Civ-J-14; 84-588-Civ-J-12
84-589-Civ-J-12; 84-590-Civ-J-16;
84-981-Civ-J-14; 94-1191-Civ-J-12;
85-91-Civ-J-12; 85-160-Civ-J-14;
and 85-287-Civ-J-12.Plaintiff's litigation strategies in each of these cases has been the same.

prolific and unintelligible pleadings abusive and offensive language directed at both the Court and the parties, and refusal to follow an orderly and progressive course of litigation. Under circumstances such as these, which demonstrate a continuing pattern of frivolous litigation, Rule 11 Sanctions are entirely appropriate.

Because this case was filed pursuant to 42 U.S.C. § 1983, attorney's fees are also available under Section 1988 of the same Title. Under that Section the Court may in its descretion award reasonable attorney's fees to the prevailing party in an action brought to enforce a provision of Section 1983 However,

(w) hile prevailing plaintiffs rout-

inely recieve attotney's fees, prevailing defendants are entitled to them only if the plaintiff's lawsuit was without foundation, frivolous, or unreasonable. Hughes v. Rowe 449 U.S. 5 (1980) .See also Harris v Plastics,Manufacturing Co. 617, F 2d 438 (5th Cir 1980); Bowers v Kraft Food Corp. 606 F 2d 816 (8 th Cir 1979) and Lopez v Aransas, Co. Independent School District, 570, F 2d 541,(5th Cir 1978) all adopting the standard set forth in Christianburg Garment Co. v Equal Employment Opportunity Commission 434, U.S. 412 (1978)

Hepperle v Panama Michinery and Supply Co 532 F Supp 1085 (N.D.) Fla 1982) aff'd 752, F 2d 647 (11th Cir 1985) in an unpublished opinion. In the present case there is no question that the plaintiff's lawsuit was without foundation. It was also frivolous and unreasonable, and the Defendants who succeeded in having the lawsuit dismissed, are clearly

prevailing parties. Accordingly, Defendants are entitled to attorney's fees as a sanction under Rule 11 or as an award under Section 1988.

At the hearing on the Motion for attorney's Fees, Plaintiff was given the opportunity to question the attorney's affidavits in accordance with Johnson v Georgia Highway Express Inc. 488 F 2d 714 (5th Cir 1974) In that case the court established guidelines to be followed in determining the reasonableness of the award for attorney's fees. Those guidelines include consideration of;

1. The time and labor required.
2. The novelty and difficulty of the questions.
3. The skill requisite to perform the legal service.
4. The preclusion of other employ-

ment by the attorney due to acceptance of the case.
5. The customary fee.
6. Whether the fee is fixed or contingent.
7. Time limitations imposed by the client or the circumstances.
8. The amount involved or the results obtained.
9. The expierence, reputation and ability of the attorneys.
10. the ' undesirability" of the case.
11. The nature and length of the professional relationship with the Court.
12. Awards in simular cases.
Id at 717 -19

Decisions subsequent to the Johnson case have provided the Court with guidance as to the exact order in which it should consider these factors First, the Court must ascertain the nature and extent of the services supplied by the attorney. Matter of First Colonial Corp. v America 544, F 2d 1291. 1299,(5th Cir)

cert denied, 431 U.S. 904 (1977). If the Court finds the number of hours excessive, it must identify the hours disallowed and explain the reasons why the hours are being disallowed, Second, the Court must determine the value of the services rendered according to the customary charges in the area and the quality of the work produced. Fitzpatrick v. Internal Revenue Service 665 F 2d 327 332 (11th Cir 1982) , When the Court has completed these two steps, it will have arrived at a nominal or " lodestar" fee. Id; Dowdell v City of Apopka, Fla. 521 F Supp.297, 299 (MD. Fla). Upon arriving at this nominal or " lodestar" fee, the Court must then consider the re-

maining Johnson factors appropriate to the case and articulate how each of the factors affects the final compensation. Cooper Liquor Inc. v Aldoph Coors Co. 624 F 2d 575, 583, (5th Cir. 1980) With this formula in mind, the Court turns to the

A. Extent and value of service rendered.

Marshall Wood, counsel for Defandants Craig Marsh, The School Board of Nassau County, and the law firm of Marks, Gray, Conroy and Gibbs, claims an award of $1,762.50 based on 23.5 hours. This computes to a fee of $75 per hour.

James Peters and Jason Vail counsel for Defendant Mulligan , claim awards

of $1,190.00 and $1,062.50 respectively. based on 11.9 and 12.5 hours. They each assert a billing of $100 and $85 per hour respectively.

Harold Wahl along with Mitchel Woodlief and Carol McDonald, counsel for Defendants Cook, Mastroianni, and Channel 12 WTLV, claims an award of $5,511.44.

Plaintiff challenges the number of hours claimed by Mr. Wahl, alleging improprieties in Wahl's relationship with various state court personnel. The Court finds Plaintiff's allegations to be without foundation and to be nothing more than unsubstantiated insinuations, typical of Barrow's offensive litigation tactics. Thus upon careful review of the submitted

time sheets, the requested number of hours as follows is deemed reasonable.

Marshall Wood	23.5 hours
James Peters	11.9 Hours
Jason Vail	12.5 hours
Harold Wahl	28.2 hours
Mitchel Woodlief	9.8 hours
Carol Mc Donald	1.5 hours

Plaintiff does not contest the hourly ,rates claimed. The hourly fees requested range from a low $70 to a high of $150. Mr Wahl is a distinguished member of the Bar who has been practicing for over fifty years. Based on this Court's knowledge of the customary hourly charges in this District, the court finds the value of the service rendered to be in accordance with the requested hourly rates. The Court

therefore finds the respective hourly rates as follows reasonable.

Marshall Wood	$75 per hour
James Peters	$100 per hour.
Jason Vail	$85 per hour
Harold Wahl	$150 per hour
Carol Mc Donald	$75 per hour
Mitchel Woodlief	$70 per hour

B. Johnson Factors

This Court in following the guide-lines set out in Johnson v Georgia Highway Express Inc. supra, makes the following additional findings.

1. Time and labor required. Plaintiff's excessive unorthordox and indecipher-able pleadings forced counsel for the Defendants to expend greater than average amount of time and labor translating Plaintiff's pleadings into an inteligible format to which a res-ponse could be made. As held above

the Court finds the hours expended in defense of this case to be reasonable.

2. Novelity and difficulty of the Questions The case presented no noval or difficult legal questions. However, Plaintiff's unwillingness to articulate the facts on which he was basing his claim often presented perplexing and confusing factual allegations, thereby increasing the time and labor expended in defense of the case. No increase in the lodrstar figure should be made for this factor. Haines v Lerner supra,.

3. Skill requisite to perform legal services properly

The attorneys demonistrated adequate skills, commensurate with the skills and abilities of other competent Counsel who regularly practice before

this Court. Each attorney filed the appropriate motions at the appropriate times and adequately briefed the Court on the relevant law.

4. Preclusions of other employment Cousel for the Defendants has not asserted that the defense of this case precluded other employment. Accordingly no increase to the lodestar figure should be made.

5. Customary fee. The fees requested are not excessive or unusual and are, as discussed above, customary and usual for this type of case in this District,

6. Fixed or contingent fee This case involved an hourly fixed fee.

7. Time limitations imposed by client or circumstances.

No apparent time limitations were imposed by the clients or the circumstances.

8. Amount involved and the result obtained

Counsel obtained the results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit,

9. Experience, ability and reputation of the attorney

Counsel demonstrated adequate ability and experience in accordance with the requested hourly rate. This Court is unaware of any deficiency in ability or reputation that would reduce the lodestar figure.

10. Undesirability of the case. It is apparent from the nature of Barrow's litigation tactics that the defense of a case of this sort is inherently

undesirable. The clients in this case were victims of extended harassment which unfortunately, is the price citizens must pay if all are to have access to a civil ized forum for the resolution of disputes. Barrow's pleadings are impenertable thickets of obscurity and a source of flustration for any attorney who must decode them in order to defend a client. However, in recognition of Plaintiff's pro se status, Haines v Kerner supra, no augmentation of the award should be made because of this factor.

11. Nature and length of relationship with client.

The court has no knowledge of the attorney's professional relationship with the client.

12. Awards in simulas cases.The requests for fees in this case are in accordance with awards made in simular cases. Jason Vail , Marshall Wood, and Harold Wahl attended the hearing on the Motions for attorney fees. James A Peters Mitchel Woodlief and Carol McDonald did not attend. For the purose of that hearing a number of Barrow's cases were noticed for the same day out of concern for judicial economy. However, each case was called individually and Barrow was given the opportunity to question each of the attorneys in accordance with Johnson v. Georgia Highway Express Inc. supra. This Court afforded Barrow one- and one-half hours to question the attorneys and to present evidence. During this hearing the Court instructed Barrow on the

relevant factors, as enumerated in Johnson v Georgia Highway Inc. supra, and advised him that these were factors the court would consider in its deliberation on the Motions for attorney's fees. Barrow presented no relevant evidence nor did he question the attorney's on any of the Johnson factors. Instead, he spent the one and one-half hours afforded him attempting to impeach the affidavits of the attorneys by arguing that none of the attorneys had explicity sworn under oath that he or she was telling the truth, This Court notes that each of the affidavits attacked in this manner was sworn to before a notary public by an officer of this Court. Such an affidavit carries a presumption of truth and Barrow's

frivoloue attack on these documents is without merit. Accordingly, Motions for attorney fees for Jason Vail , Marshall Wood, and H.B. Wahl shall be increased by one- and one-half hours to reflect the time expended in attendance at this hearing.[1]

---

1 This is based on the hearing that took place on June 2,1987, and does not duplicate time allowance granted to Wahl in Case No. 84-104-Civ-J-10 and Vail in Case No. 84-412-Civ-J-10, for time spent at the hearing which took place on October 16, 1078.

The follwing awards are appropriate:

James A Peters 11.9 hours at $110
per hour ---------- $1,190.00
Jason Vail 14 hours at $85
per hour ---------- $1,90.00
Marshall Wood 25 hours at $75
per hour ----------$1.875.00

Harold Wahl 29 hours at $150
per hour ---------- 4,455.00
Carol McDonald 1.5 hours at $75
per hour 112.50

Mitchel Woodlief 9.8 hours at $70 per hour ----------$686.00

Costs $131.33

Total $5,384.83

RECOMMENDATION[2]

The Motion for attorney's fees be GRANTED in accordance with this opinion.

DONE AND ORDERED at Jacksonville, Fla. this 12st day of April 1988.

/s/ Harvey E Schlesinger
United States Magistrate

---

2 Any party may file and serve objection hereto within ten(10) days after service of this opinion. Failure to do so shall bar the party from a denovo determination by a district judge of an issue covered herein and from attacking factual findings on appeal. See 28 U.S.C. § 636 ; Thomas v Arn 106 S Ct 466 (1986) Nettles v Wainwright 677, F 2d 404 (en banc)(5th Cir Unit B 1982) Rule 72 (b) Fed. Rules of Civ. Procedure; and local Rule 6.02

Copies to:

Hon. Wm Terrell Hodges
Chief Judge

Mr John G, Barrow Jr
Route 1 Box 4/0
Callahan, Fl. 32011

Harold B. Wahl Esquire
Mitchel Woodlief Esquire
Carol McDonald Esquire
920 Barnett Bank Building
Jacksonville, Fl 32202

Jason Vail Esquire
Assistant Attorney General
The Capitol
Tallahassee, Fl 32399

James A Peters Esquire
Assistant Attorney General
The Capitol
Tallahassee, Fl 32399

Marshal E Wood Esquire
Post Office Box P
Fernandina Beach, Fl 32034

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville, Division

JOHN G. BARROW JR

Plaintiff

-vs- Case No. 84-589-Civ-J-10

JAMES HARRISON
et al

****

PLAINTIFF'S OBJECTION TO THE REPORT AND RECOMMENDATION AND THE DISTRICT COURT'S ASSISSINATION OF PLAINTIFF'S CONSTITUTIONAL RIGHTS PROMULGATED BY COLLUSION TO EXTORTION AND R.I.C.O. ACTS OF FELONY UPON THE PERSON OF JOHN G. BARROW JR WITH CO-CONSPIRATORS MEMBERS OF THE BAR ASSOCIATION.

##########

The above styled action has resulted in a Spin-Off of A Wheel Within A Wheel Collusion.

This is best understood by realizing that this Wheel of the "WHEEL

WITHIN A WHEEL COLLUSION" has as its CENTRAL FIGURES not one Character but three Central Figures. They are the Notorious Harvey E Schlesinger, William Terrell Hodges and Harold B.(Judge handling) Wahl.

THE AGREEMENT

1) Harold B Wahl for 35 years litigated Barrow, harassed Barrow and as illegal prosecutor had Barrow thrown in jail without Bond,so as to prevent Barrow from receiving any legal assistance and under very inhumaine conditions for 30 days and nights.

2) The ever so Cunning and Mischivious Henchman of the U.S. District Court, Harvey E Schlesinger has for years carried Judge Hodges dirty stick while none of the Reports and

Recommendations have any bearing on the facts of each case, or the merits or any hearing upon adjudication of the issues that have arisen.

In Edwards v E.I. DuPont De. Memours 183 F 2d 165;

The 5th Circuit holds ;

" The plaintiff may elect to make his action joint or several, and no defendant can take away such right of election or remedies after it has been exercised"

" A defendant cannot elect to make several a joint or several cause of action that the Plaintiff has elected to make joint or seperate"

" It cannot deprive the plaintiff of his right to prosecute his suit to final determination in his own way. The subject matter of the controversy is whatever the plaintiff in good faith declares it to be in his pleadings. Not by conclusions of law but by well pleaded allegations of fact"

In Fair Appt. v Kholer Die and Speciality co. 33 S Ct 401;

The United States Supreme court holds:

" Of course the party who brings suit is MASTER TO DECIDE what law he will rely upon, and therefore does determine whether he will bring a " suit arising under" the Constitution of the United States or other laws of the United States by his declaration or bill"

On the 5th day of April, 1985 one William Terrell Hodges did Consolidate all ,of plaintiff's cases and did cut off plaintiff's access to court.

tying his lynchmans knot even tighter

on August 15, 1985. Judge Hodges was

motivated by a scheme.

* * This plan for all cases consolidation, was a venture of most of the 50 odd attorneys and the District Court. Middle District and the Northern District of Florida, to completely annihilate Pliantiff's Constitutional rights.

* * Anyone attempting to Ride Two

Horses at one time, will sooner or

later fall down in between them.

* * The Conspirators were sure that Plaintiff would fall down between 20 consolidated cases. Who can possibly carry 20 Notices of 20 cases or one notice of 20 cases, opposing the District Court including Judge Hodges and Harvey E Schlesinger,all gommed up all into one Case ? This amounts to no case at all.

Then too-- this illegal act so repugnant to all decency, and Edwards v DuPont and Fair Appt v Kholar Die and Specialty Co above has a much more fendish and evil motovation, in the way of payoff, of wide spread usury, permenent taking, to divide the spolis.

* * To participate in this venture Hodges did by allying with Wahl and

Schlesinger inject overt acts of a Gang Land nature, financed by such interstate enterprises as the American Telephone and Telegraph Company and their ever so Deep Pockets.

* * The Interstate Florida Power and Light Company, the interstate Haverty Furniture Company, all of the spokes to the Wahl and Hodges Wheel" have very Deep Pockets and Florida Statute 877.01(4) to make every thing as to splitting of fees legal.

One of the spokes of the " Wheel of " Judge Handling Wahl" was Lawrence Page Haddock . Then the other Spoke was added to the " Judge handling Wahl Wheel" was Susan Black, all with a stake in the outcome of the Judge's

promulgating their various immunities for each other and the combined force of the 50 odd attorneys representing the various cases, consolidated, amalgrated by Hodges and blended by Schlesinger all of their injuries to this Plaintiff's constitutional rights were ever so easely consummated, so high ly effective so easily accomplished.

THE HARRISON WHEEL

* * * The Central figure in the Harrison , wheel, is one Craig Marsh, one of the Spokes who directed and orchestrated every minute, technical aspect of the Harrison Kangaroo Court, getting all of his instrictions from Judge Weatherford's office. Weatherford another spoke to the Harrison Wheel is brother-in-law to Craig Marsh. And at the time County

Judge and a renound political figure.

* * After Judge Harrison denied the right to remove an admitted prejudiced juror, and Harrison did harass and threaten Barrow, clean out of the Courtroom, then he Harrison did award one Bad Check, which could not be cashed at any Bank, in the Condemnation Case.

* * It is for the above reasons that Conspirator Schlesinger submitts his ever so foolish Reports and Recommendations and does inject in this action all of the following cases:

84-64-Civ-Magistrate, the Scott case that has no relevancy to Harrison.
84-104-Civ-Magistrate, the A.T &T. case that has no relevancy to Harrison.
84-135-Civ-Magistrate, the Hill Case that has no relevancy to Harrison.
84-191-Civ-Magistrate, the Baker Case that has no relevancy to Harrison.

84-192- Civ.Magistrate, the Douglas case that has no relevancy to Harrison.
84-412 Civ-Magistrate, the Bird case that has no relevancy to Harrison.
84-414-Civ-Magistrate, the Hood case that has no relevancy to Harrison
84-437 Civ-Magistrate, the Hawkins case that has no relevancy to Harrison.
84-456-Civ-Magistrate the Haverty Case that has no relevancy to Harrison.
84-588-Civ-Magistrate the Greeson Case that has no relevancy to Harrison.
84-590-Civ-the D.A.C. Case that has no relevancy to Harrison.
84-981-Civ-Magistrate the F.H.A. Case that has no relevancy to Harrison.
84-982-Civ-Magistrate, the Jack Reed Case that has no relevancy to Harrison.
84-Civ-Nagistrate the wahl case that has no relevancy to Harrison.
85-91-Civ-Magistrate the Wakler case that has no relevancy to Harrison.
85-Civ-Magistraet the Markle Case that has no relevancy to Harrison.
85-287- Civ-Magistrate the Bishop case that has no relevancy to Harrison.

The injection of these cases can be for no other purpose except that of coercion and to impose combine power of all of the conspirators to commit injury upon the person of Barrow, and that

of an out and out scheme of extortion for $150,000.00 criminal contempt.

* * As if totally insane Harvey E Schlesinger has come up with " res judicata" because of the case of Barrow v Graham 82-366-Civ-Magistrate, which was VOID because of having no hearing and no evidence was without Due Porocees of law The parties before Judge Melton were behind the Black Curtain if there was in fact anyone before him.

* * Harvey E Schlesinger's Tax Injunction Scam which Schlesinger admittes does not apply,NO TAXES envolved in any Complaint.

This makes Judge Hodges decision V O I D and for sanctions, that is fools talk. When the date on the

docket: was Bad faith established ?

Sanctions are punishment for CRIMINAL CONTEMPT. This cannot be extorted without trial by jury, to determine any resemblance of bad-faith and a trial by jury as related to the appropraiteness of the sanctions.

Harvey E Schlesinger's Kangaroo Court of all these cases consolidated into an illegal orvet act, is only ABUSE OF DISCRETION.

He has refused written evidence. He will not administer justice by the Federal Rules of Civil Procedure.

Harvey E Schlesinger can justify " Pie in the Sky" for the defendants, all of whom he so ardently defends. All the defendants are Saints in Schlesinger's eyes No matter what might be said and regard-

less of any citations from any Court Judge Hodges will blindly adopt every Ton of Garbage of Schlesinger's ,In no way related to any part of the Plaintiff's allegations or the Civil Rules of Procedure or the Constitution, that both Schlesinger and Hodges swore to unhold !

Wherefore, this Victim of the District Court and their Deep Pocket co-horts is without any chance of relief of any kind or nature., in a R.I.C.O. caper like a competent court has never seen.

* * These conspirators do not even know the meaning of " The Equal Protection Clause" of the Constitution of these United States or " The due process Clause of the United States Constitution"

* * This District Court is not a Court of Competent jurisdiction, biased, prejudiced and filled with enmity for pro se persons.

* * This Court without a doubt will never provide for any relief to this Plaintiff. Without a F.S. 877.01(4) fee splitter.

* * This Court is as biased and prejudiced as it can be, providing judicial administration for Members of the Bar ONLY !

All of whom have steadfastly refused to be retained by this Plaintiff.

* * , Harold B (Judge handling) Wahl is the element MOST common to all of This " WHEELS WITHIN A WHEEL CONSPIRACY" As proof see Wahl's affidavit

and ungodly costs for criminal contempt, with its various Wheels.All have a knowledge of the various ventures, all have a stake in the outcome to devide the spoils All threaten the Contitutional Rights of the Plaintiff, though each of the conspirators have simular illegal objects , none depends on the other, but are aided by the complete destruction of the Plaintiff's creditability.

In United States v Perez; 489 F 2d 60 (5th Cir 1973) ;

" These facts led the court to speak in terms of a " Wheel Conspiracy" in which one person , the "hub" of the wheel was accused of conspiring with several others, the " spokes" of the wheel . . As we explained in the United States v Levine, 546, F 2d 658 663 (5th Cir 1977).

For a (single) wheel conspiracy to exist those people who form the wheel's spokes must have been aware of each

other and must do something in furtherance of some single, illegal enterprise. Otherwise the comspiracy lacks" the rim of the wheel to enclose the spokes" If there is not some interaction between those conspirators who form the spokes of the wheel as to at least one common illegal object, the " Wheel" is incomplete, and two conspiracies rather than one are charged.

The realistic view of group crime which inspired Congress to enact RICO should also guide the courts in construing RICO. Thus, in this case, we are satisified that the evidence,circumstantial and indirect though it largely was proved,the existence of both an enterprise committed to profiting from (sanctions for criminal contempt) not by law, but by an out and out scheme to extort by force of the court,to make the rich attorneys richer and other criminal activity and an agreement (among 55 of the Defendants) to participate in the affairs of the enterprise through a pattern of racketeering activity

Now we arrive at a Final element to be weighed. This is the Public interest. In each of the Plaintiff's cases the Court is invited to con-

sider who the Plaintiff is-? Just because this Plaintiff is poor and cannot find an attorney willing and able to fight this Plaintiff's Cause and just because of plaintiff's being looked down upon because of having Indian Blood on both parents sides of the family, gives no justificat - ion to completely deny this Plaintiff of both or either " Due Process of Law" and " Equal Protection of the law" as afforded Pure Anglo Saxon parties. Public Interest is indisputable at least enough to provide for a trial of the Issues, being submitted to a jury.

" Persons appearing pro se need not file an appearance"

Persons appearing pro se need not file a Complaint, at any time for

what is the use ?

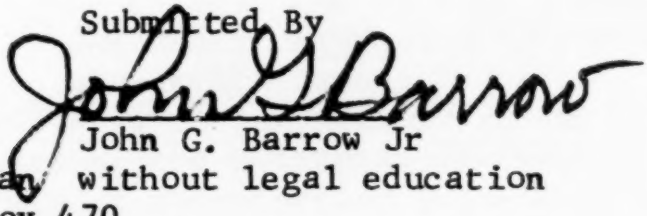
Persons appearing pro se will not receive even one day in Court.

Persons appearing pro se will have no questions adjudicated.

The Magistrate will Get Rid of all Pro se Persons by erroneous allegations in his Reports and Recommendations, after all, any Person appearing pro se is A Second Class Citizen.

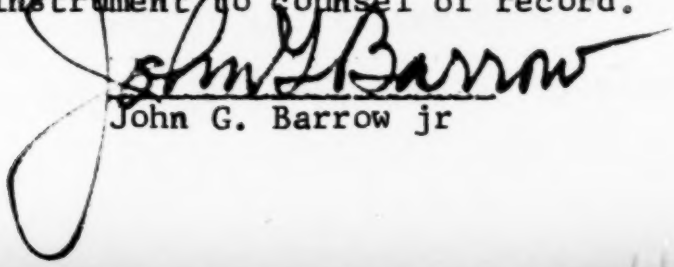
The Courts are for Members of the Bar only

Submitted By



John G. Barrow Jr
A Layman without legal education
Rt 1 Box 470
Callahan, Florida 32011

I Certify this 26th day of April 1988, that I did furnish a true copy of the above instrument to counsel of record.



John G. Barrow jr

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(1)

UNITED STATES COURT OF APPEALS

Eleventh Circuit
56 Forsyth St. N.W.
Atlanta, Georgia 30303
August 29, 1988

Miguel J Cortez
Clerk

Donald M Cinnamond
U.S. District Court
311 W Monroe
Room 110
Jacksonville, Florida 32201

No. 88-3456 Barrow v Harrison et.al.
D.C. # 84-589-Civ-J-14

Dear Sir:

Enclosed is a certified copy of this court's Order which dismisses the above referenced appeal as frivolous and the determination of reasonable attorney's fees to be determined by your court. This is issued as and for the Mandate.

Returned herewith is the original record on appeal which consists of two (2) volumes.

Please acknowledge receipt on the enclosed copy of this letter.

Sincerely,

MIGUEL J. CORTEZ, Clerk

By Debbie Cordell
Deputy Clerk

enc/dc

CC: John G. Barrow
Marshall E Wood
Jason Vail AAG Tallahassee
J Carol McDonald

(1-B)
IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 88-3456

Filed US. Court of Appeals
Eleventh Circuit
Aug 29 1988
Miguel J Cortez
Clerk

John G. Barrow Jr

Plaintiff-Appellant

versus

James Harrison, Marks
Gray, Conroy and Gibbs
Nassau County School
Board et.al.

Defendants- Appellees

- - - - - - - - - - - - - - - - - -
Appeal from the United States District Court for the Middle District
Of Florida

- -

Before RONEY, Chief Judge, FAY and

VANCE, Circuit Court

BY THE COURT

Appellees' motion to strike appellant's brief is Granted

Appellees' motion to dismiss as frivolous is Granted.

Appellees' motion to award attorney's fees and costs is Granted.

The case is remanded to the Distrcit Court for a determination of the amount of reasonable attorney's fees incurred by Appellees in connection with the appeal.

CLERK CIRCUIT C IRT
NASSAU COUNTY, F JRIDA
COURT REGISTRY ACCOUNT

102

12-14 19 83

63-5
630 13

PAY TO THE ORDER OF John G. Barrow and Allen Goodbee $ 250.00

Two hundred fifty and no/100 ---------- DOLLARS

Florida National Bank
Fernandina Beach, Florida 13

FOR Case # 81-113-CA

⑈000102⑈ ⑆063000050⑆ 01⑆0000299⑈

(23)

REFERENCE TO OFFICIAL OR UN-OFFICIAL REPORTS OF ANY OPINION.

1) There has been no court, so there can be no opinion delivered in court. All decisions have been made on the Decisionmakers own say-so and without any opportunity to be heard and no evidence or reason relied upon in making such decisions without any due process of law.

The only supporting opinion is that of John E. Lawlor III Assistant United States Attorney, Jacksonville, Florida.

To Quote John E Lawlor III from his Brief for Appellee in the 11th Circuit dated the 21st day of October, 1986.

1) " The orter entered by Judge Hodges on August 15th, 1984, MERELY adopts the (ERRONEOUS) recommendations of the Magistrate"

2) " An order simular to the one appealed from MERELY adopts the Magistrates recommendations does not * * *"

3) " The trial court's determination of "bad-faith" was based on a history of vexatious litigation pre-dating the bringing of the present action and for their determination by the court that the matter should be dismissed, because of the case being subject to defenses of res judicata"

4) " This was not a case of bad-faith arising during the course of litigation"

5) " If res judicata determination is reversed the determination of bad-faith is affected"

6) " And if the determination that the plaintiff acted in bad-faith is reversed this may have an impact upon the question of resjudicata"

) " First as a practical matter, if this court were to reverse the case on the merits this would necessarily have an impact upon the question of

whether the plaintiff was acting in bad faith"

8) Accordingly, it is respectfully submitted that if this court undertakes jurisdiction of this cause it then has jurisdiction TO REVIEW THE ENTIRE CASE, including the determination of whether or not the plaintiff is liable for the attorney fees as a results of his alleged bad-faith"

In Westmoreland v CBS. Inc 770, F 2d 1168, (D.C.) 1985; In re TCI 769 F @d 441 7 Cir 1985; In Davis v McGraw-Wilson Co 765 F 2d 494 (5th Cir 1985) ; In Fast-way Const. Corp v City of New York, 762, F 2d 243, (2 Cir 1985) In Elloit v Perez, 751, F 2d 1472; Schwartzer Sanctions Under the New Federal Rule 11-A. A Closer look 104 F.R.D. (1985) These Courts hold:

" Subjective bad-faith is no longer a predicate to a Rule 11 Violation, the test is now an objective one of reasonableness"

In Jones v Bales 58 F.R.D. 453 (N.D.) 1972 aff'd 480 F 2d 805 (5th cir 1978)

" Pro se litigants are not subject to unusual incetives against filing repetirive frivolous or malicious lawsuits. They are immune from imposition or costs If they are un-successful and because of their poverty they are parctically immune from later tort actions"

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville, Florida

May 10, 10;35
Am '88

JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-589-Civ-J-10

JAMES HARRISON et al

Defendants

_____/

O R D E R

This matter was referred to the Magistrate for the purpose of conducting supplementary proceesings with respect to F.R.C.P. 11 sanctions and attorney's fees .

The Magistrate conducted a hearing and recommends that attorney's fees and costs be awarded as follows:

That Marshall Wood, counsel for defendants Craig Marsh, The School Board of Nassau Count, and the Law Firm of Marks, Gray, Conroy and Gibbs, be awarded $1,875.00 That James Peters, counsel for defendant Mulligan be awards $1,190.00 That Jason Vail, Counsel for defendant Mulligan be awards $1,062.50; that Harold Wahl Carol Mc Donald and Mitchel Woodlief counsel for Cook, Mastroianni and Channel 12 WTLV be awarded $5,384.83.

The Plaintiff has filed an objection to the report and recommendation of the Magistrate which the Court has duly considered.

Upon due consideration of the report and Recommendation of the Magistrate and upon this Court's own independent

examination of the entire file, the Magistrate's report and recommendation is adopted and confirmed and made a part hereof and IT IS ORDERED:

1. The Clerk is directed to enter FINAL JUDGMENT against the Plaintiff and for the Defendants Craig Marsh, The School Board of Nassau County and the Law Firm of Marks, Gray, Conroy and Gobbs. in the amount of $1875.00 .

2. The Clerk is directed to enter FINAL JUDGMENT against the Plaintiff and for the Defendant Mulligan in the amount of $2,380.00 .

3. The Clerk is directed to enter FINAL JUDGMENT against the Plaintiff and for the defendants Cook, Mastrianni and Channel 12 WTLV in tha Amount of

(30)
$5,384.83.

IT IS SO ORDERED

DONE AND ORDERED at Tampa, Florida this

10th day of May, 1988.

/s/ Wm Terrell Hodges
United States District Judge

Copies to Counsel

UNITED STATES DISTRICT COURT
Middle District of Florida

JOHN G. BARROW JR

Plaintiff

V

JAMES HARRISON, et al.

Defendants,

JUDGMENT IN A CIVIL CASE

Case No. 589-Civ-J-10

Jury verdict. This action before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

It IS ORDERED AND ADJUDGED

That pursuant to the Court's Order entered May 10, 1988, Final Judgment is entered against Plaintiff, John G. Barrow Jr, and in favor of the Defendants, Craig Marsh, The School Board of Nassau County, and the Law Firm of Marks, Gray,

(32)
Conroy and Gibbs in the amount of

$1,875.00

Filed and entered Jun 3
3:51 PM '88
Clerk of District Court
Middle District of Florida
Jacksonville, Fl

Copies to :
John G Barrow Jr
Jason Vail Esq.
Marsahall Wood Esq.
Harold Wahl Esq.

Date June 3, 1988 Clerk Donald M. Cinnamond

/s/ Sandra Cain
Deputy Clerk

UNITED STATES DISTRICT COURT
Middle District of Florida

JOHN G. BARROW JR

Plaintiff,

V JUDGMENT IN CIVIL CASE

JAMES HARRISON et al CASE NO. 84-589
Civ-J-10

Defendants,

Jury Verdict , This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that pursuant to the Court's Order

entered May 10.1988 Final Judgment

is entered against Plaintiff, John G.

Barrow Jr, and in favor of Defendants

Cook, Mastroianni and Channel 12 WTLV

in the amount of $5,384.83.

(34)

Filed and Entered Jun 3 3;50 PM '88

Clerk U.S. District Court
Middle District of Florida
Jacksonville, Fl

Copies to:
John G. Barrow Jr
Jason Vail Esq.
Marshall Wood Esq.
Harold Wahl Esq.

Date June 3, 1988 Clerk Donald M. Cinna
mond.

/s/ Snadra Cain
Depyty Clerk

UNITED STATES DISTRICT COURT
Middle District Of Florida

JOHN G. BARROW JR
Plaintiff

JUDGMENT IN CIVIL CASE

V

JAMES HARRISON et al.

Defendants

CASE NUMBER 84-589-Civ-J-10

Jury Verdict. This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that pursuant to the Court's Orders entered May 10, 1988, and June 2, 1988, respectively, Final Judgment is entered against the Plaintiff, John G. Barrow Jr and in favor of the Defendant James Harrison in the amount of $2,380.00

Filed and entered Jun 3 3:51 PM'88
Clerk of Dist Court
Middle Dist.
Jacksonville, Fl

Copies to:

John Barrow Jr
Jason Vail Esq.
Marshall Wood Esq.
Harold Wahl Esq.

June 3, 1988 — Donald M Cinnamond

Date — Clerk

/s/ Sandra Cain
Deputy Clerk

UNITED STATES DISTRICT COURT

Middle District Of Florida

JOHN G. BARROW JR JUDGMENT IN CIVIL CASE

Plaintiff

V

JAMES HARRISON et.al.

Defendants

CASE NUMBER 84-589-Civ-J-10

Jury Verdict This action came before the court for a jury trial. The isuues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

that pursuant to the Court's Order entered May 10, 1988, Final Judgment is entered against the Plaintiff John G. Barrow Jr, and in favor of the Defendants, Craig Marsh, the School Board of Nassau County

and the law firm of Marks, Gray, Conroy and Gibbs in the amount of $1,875.00.

Filed and entered
Jun 3 3:51 PM '88

Clerk Dist. Court
Middle Dist of Florida
Jacksonville, Florida

Copies To.

John Barrow Jr
Jason Vail Esq
Mrashall Woof Esq
Harold Wahl Esq

June 3, 1988 Donald M. Cinnamond
Date Clerk

/s/ Sandra Cain
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR
THE MIDDLE DISTRICT OF FLORIDA
(Jacksonville Division)

U.S.C.A. 85-3346
D.C. 84-589-Civ-J-10

JOHN G. BARROW Jr

Plaintiff-Appellant

VS

JAMES HARRISON, et al

Defendants- Appellees

****

SECOND AMENDED COMPLAINT
WITH DEMAND FOR A JURY TRIAL WITH
THREE JUDGE DISTRICT COURT REQUESTED

##########

SHORT PLAIN STATEMENT

Plaintiff, Barrow Sues James Harrison as an individual, and the Nassau County School Board, Craig Marsh as an individual, Marks, Gray, Conroy and Gibbs, Ernie Manstrianni, Laura Cook, Channel 12 WTLV Howard Kelley for relief because of their

a) Unlawful taking of plaintiff's property in an unconstitutional manner, without full and just compensation.

b) Joining in conspiracy incubated to unlawfully take plaintiff's property in an unconstitutional manner is, Laura Cook Channel 12 WTLV/ Howard Kelley, and Ernie Mastroianni, who have deprived Plaintiff of his Right To Privacy and libeled his good name so as to provide adverse pre-trial publicity so as to cause a Fair trial to be impossible. U.S.C.A. Const 6 6494 .

c) The impairing of obligation of contract of purchase in the Eminent Domain Proceedings for the taking of Plaintiff's property by Force and Coercion without full and just compensation.

d) The deprivation of protection of the law equal to that afforded others.

e) The deprivation of all of the essential fundamentals of procedural due process of law.f) Conspiracy to injure, and to oppress this plaintiff, a Citizen in his , Free Exercise and Enjoyment of any and all right and privileges secured to him by the Constitution and/or the laws of the United States and the Constitution of Florida.

This Plaintiff does invoke the Constitution of these United States and the Constitution of Florida.

JURISDICTION

R.S. § 1979
28 U.S.C.§ 1343
28 U.S.C.A. § 1343
Amends 4,14
S.H.A. 111 Const Art 2 S6
28 U.S.C. 2680 (c)
28 U.S.C. 2680 (h)
28 U.S.C. 1346 just comp.
§ 1871
28 U.S.C. § 541 (1)
28 U.S.C. 1337
42 U.S.C.A. § 1983

42 U.S.C. § 1983
18 U.S.C. § 242
18 U.S.C.A. 242
28 U.S.C.A. § 1331
42 U.S.C. § 1403
§ 20 and 1871 Civ. Rights.
§ 19
42 U.S.C.A. § 1985 (3)
Amends V / XIV Due Process

Adverse , Pre-trial publicity fair trial impossible U.S.C.A. Const. A 6 6494

§ 20 Jury to hear,so as to Ponder

" State Action"

F A C T S

1) In 1975 the Nassau County School Board caused to be built the Hilliard Elementary School and Bus Shop, in a area Northwest of the Town of Hilliard Florida.

2) The Godfathers Took, Seized and/or Confiscated — — — every one's land in the area without any regards for the rights of any owners of property rights and did trespass by occupation

of the lands like that of a Wild Mob of Wild Indians.

3) They were also not concerned with the vested rights or other encumbrances of anyone in the lands, effected thereby especially at the time of taking, however, In May and June of 1980, A legal Adv. Appeared in a Local News Print advising of Condemnation Proceedings in Case No. 80-241-CA.

4) Plaintiff did notify by Certified Mail both D.O. Oxley, Clerk of the Court of Nassau County and the Law Firm of Marks, Gray, Conroy and Gibbs, of Plaintiff's vested right in the lots on which the School Board has seized and after five years of trespass by the School Board were now in the process of Condemnation proceedings of Lots

21 and 22 Blk 90 Lot 8 Blk 101 etal.

5) Plaintiff was not notified by any other proceedings and it is obvious that the Lots were taken without " Full and Just Compensation" to this Plaintiff for the loans that this plaintiff had made to the Town of Hilliard with the Lot in question having been given as security to assure the loan made by the Plaintiff to Hilliard and later by the Act of the Legislature absorbed by the State of Florida and County of Nassau. See Florida Statute 197.356.

6) Then at 12:20 P.M. on March 9th,1981 this Plaintiff was served with a Summons to show cause Notice of Eminent Domain Proceedings on Lot 20 Blk 101 and Lot 4 Blk 189. Town of Hilliard,Florida.

7) Lot 4 Blk. 189 was owned by Allen Godbee of Fernandina Beach, Florida Even though it was only a wooded lot, with no clearing and no improvements the stamps on the Deed of Conveyance from Godbee to the School Board revealed that at least $900.00 was paid to Godbee for Lot 4 Blk. 189.
This left only Lot 20 Blk 101 and this Plaintiff in the Eminent Domain Proceedings as Godbee was no longer a party.

8) This plaintiff was never offered one thin dime before the day of the alleged hearing.

9) Plaintiff had acquiesced in the occupation of the land and the portion of the School Bus Shop and did notify the Nassau County School

Board of their obligation to pay $200 per month rent for " Use and Occupation" of same.

10) This Action is not an appeal of State Action. There is no possibility of redress for this plaintiff in State Court. THIS IS A CIVIL RIGHTS ACTION.

11) In Monroe v Pape, 81 S Ct 473, The Court Holds:

" Section 1979 should be read against the background of tort liability. That make a man responsible for the natural consequences of his actions"

" The third aim was to prove a Federal Remedy where the State Remedy though adequate in theory was not available in practice"

Federal Jurisdiction is aserted under R.S. § 1979. and 28 U.S.C. § 1343 and 28 U.S.C. 1331, 28 U.S.C.A § 1331 and others listed above.

12) The first smack of conspiracy was

at the time of the first Eminent Domain Proceeding mentioned above.

13) The second smack of conspiracy was that of Harrison's dismissal of Barrow's Amended Complaint.

14) The Collusion became more and more obvious as the Kangaroo Court proceeded.

15) At the time of the selection of the jury this Orator knew that the Hand Writing was on the wall ---- this was a Stacked deck ! A Flim-flam the ever presence of F.S. 877.01 (4) effervesced !

16) The Jury, admitted to their prejudices because of the Kenon assassination of Barrow's reputation by the News Media,T.V. News and the State Officials, and other street talk.

17) Barrow was allowed to purge two bias jurors with prejudice however, James Harrison would make no provisions for the removal of Not One More Prejudicial Juror. Harrison ruled that the prejudice was " Not cause for removal . Harrison ruled that the prejudice was " not cause for removal" Harrison,Gibbs and Barrow all lnew that Barrow did not even have a Prayer, resembling Justice .
Not a China Mans Chance !

18) James Harrison and Gibbs held their Kangaroo Court, orchestrated by Craig Marsh, School Superintendent.

19) Plaintiff's witness was disqualified by Gibbs, Harrison would allow Plaintiff witness to testify, but would not qualify

Therefore, Plaintiff had no witness. The ever presence of F.S. 877.01(4) rhapsodized.

20) Plaintiff objected to Craig Mrash being a witness, sitting in and orchestratingall hearings,. For this, Harrison coreced this Plaintiff with threat of Contempt.

This Plaintiff alleged that Gibbs instruction to the jury were unconscionable. For this, James Harrison again coerced this Plaintiff with threat of Contempt. The ever presence of F.S. 877.01(4) effervesced !

21) The Black Deputy was sitting in, awaiting Harrison's orders to take Plaintiff away again, to the Federal Detention Prison in Yulee.

22) The hand writing was on the wall

this plaintiff knew there would be NO JUSTICE in Harrison's Court. That false arrest was evident and eminent.

23) Harrison announced that no Compensation would be discussed before the jury. (who was then in wait) except for the land.

24) The Florida STatute requires that Rent SHALL BE CONSIDERED.

There was the interest from the day of taking until the day of judgment. There was $250.00 submitted for legal Secretarial Services. Harrison denied same. The value of the Building was not allowed under Harrison's Orders. There was not even a Smack of Justice remaining. The ever presence of F.S. 877.01(4) was efferescing !

25) Wherefore this Plaintiff announced. that he would leave the

courthouse absent another threat of contempt by James Harrison.

Harrison agreed Gleefully ! The eyes of the Co-hort Marsh Glittered !

26) The jury heard no testimony of the Defendant or any Witness for Defendant.

27) With no Defendant present at the Kangaroo Hearing and no one to represent Defendant (this plaintiff) the Court continued.

28) It is alleged that the Verdict of the Jury was $250.00 as just and full Compensation for this Plaintiff.

29) Land (see Godbee lot $900.00)

— — — — — — - $900 plus

30) Legal Secretary Services $250

31) Rent of $200 per month for use and occupation — — - - $7200.00

plus interest accuring month to month from date due to date paid to this plaintiff.

32) Improvements on land ----- $7200.00 Plus full and just compensation $15550.00

33) A check No. 102 dated 12/14/83 for $250 made payable to John G Barrow AND ALLEN GODBEE, a stranger to this plaintiff was mailed to consummate the $15550 .00 full and just compensation, due this Plaintiff.

34) A collusion was ever so obvious. Look at a parcel of land the same as Allen Godbee's, plus clearing, plus improvements, plus appreciation, plus rent month to month for use and occupation @ $200 due until date paid and $250 legal secretarial fees and all consummated for a WORTHLESS CHECK NO. 102 for

consummating $15550.00 .

Is this what the United States Supreme Court meant ?

In West Chicago Park Com'rs v Boal 83 N.E. 824 232 111, 248 ;

The Court held:

" The fair cash value in the market of the leasehold interest and the BUILDING on the various lots at the date of filing petition"

In U.S. ex rel Tennassee Val Authority v Indian Creek Marble Co. D.C. Tenn 40 F Supp 811 819

The Court Holds:

" Same market value as that which he had prior to the taking and the theory of " Compensation" revolves around the idea of willingness to sell under no complusion and wollingness and ability to but, but with No Coercive Need "

In National City Bank of N.Y. v U.S. 275, F 855,859;

The Court Holds

" The market must be a FREE MARKET as prices prevailing in a Market NOT FREE are NOT the measure of Compensation"

In State ex rel Board of Regents for

Central Mo State College,v Moriarty App 361 S.W. 2d 133 135;

The Court Holds:

" WHEN offered for sale and purchased by one willing"

In re Armory State in Kansas city, Mo 282 S.W. 2d 464 470;

The Court Holds:

" What a reasonable buyer willing but not compelled to purchase land would take therefor"

In City of Chicago v Giedralits 150 N.E. 2d 577, 579, 14 111, 2d 45;

The Court holds: " For its highest and best use"

In Donaldson v City of Bismark,3 N.W. 2d 808 018, 71, N.D. 592'

The Court Holds;

" Damages recoverable as just compensation by owner of property that had been taken or damaged in violation of the Constitution includes such additional amount beyond value of the property at the amount of the damage to property"

In Williams Land Co. v U.S. 31 F Supp 154 159 90 S Ct 499;

The Court Holds:

" Interest upon condemnation award is payable as a part of 'just compensation' whether or not it is authorized by statute"

35) This Plaintiff did not waive

ANYTHING.

This Plaintiff when he left Harrison's

Kangaroo Court was in flight for his

freedom and very possibly running

for his life !

Hate feeds on itself.

If in fact it is true that the ver-

dict of the jury of the Kangaroo

Court was not $250 to be divided

between Godbee (who had no interest what so ever in the property being condemned) and this plaintiff then it is ever so conclusive that the $250 award was so grossly disaportionate to any resemblance of " Full and Just Compensation", reasonably warrented by facts as to raise immediate presumption of passion, prejudice, or corruption by F.S. 877.01(4). ACT ONE HAS NOT ENDED HOWEVER.; Like a Three Ring Circus.

ACT TWO BEGINS

36) Channel 12 WTLV , wanted part of the Action:

On the 25th day of June A.D. 1984 One Laura Cook by phone requested an interview. This was not granted.

37) Plaintiff explained that he would not be available.Laura Cook was stalled.

38) She insisted on calling back on the morning of the 26th of June and again she was denied a personal interview. The denial of the personal interview made no difference whatsoever ! Before 1:00 P.M. Laura Cook was ramming and framming on Barrow's front door.

39) Mean while her co-hort Camera Man was also invading the privacy of the Barrow family by taking pictures. There is nothing newsworthy of how low down into the bottomless pits of poverty the State Officials and the News Media has succeeded in driving the Barrow Family's standard of living . It was obvious that the picture taking was for the purpose of Smear and Smutt.

40) Then on the 6 P.M. News Channel 12 WTLV came Ernie Mastroianni's Bomb Blast of plaintiff's reputation.

41) Ernie Mastronianni's Massacure of Barrow's reputation begins Quote: " Rember John Barrow, the fellow that evicted the Colored Couple in Quincy the fellow that buys tax certificates"

42) Mastronianni's and Channel 12 WTLV was served by Certified Mail # P-651-872-683 " Demand for retraction and Apology" The date of the delivery is attested to by the return receipt post marked June 29,A.D. 1984, To this date there has been no Notice of Retraction no response of any kind or nature, only a continued acquiescence.

43) Channel 12 WTLV should be given an opportunity to prove their Char-

acter Assassination, eviction of the colored couple" to supply the Case Number and the date of filing of the case of the " Eviction of the Colored Couple"

44) Channel 12 WTLV is not only wreckless with the truth and the reputation that they murder, they are also negligent to ascertain the truth, while merchandising their Smut and Smears.

45) The Group of State Officials and the News Media are to be compared to the Head of an Octopus.At different times it associated with itself the other defendant (the arms of the Octopus) whose co-coperation was of different kinds, but always was in furtherance of the single

conspiracy. The arms might not help or be associated with each other but were always attached to and indeavered to forward the purpose of the head.

46) The intent of the Conspirators are to erroneously picture Barrow (who is forced to live in lower levels of poverty) as a wealthy individual who takes advantage of and unjustly forecloses on the poor, thereby making a Class Appeal and Branding Barrow as a Villan and Heartless.

47) Broadcasting SUCH ROT into the homes has a devistating effect on the public opinion of all prospective jurors culminating in a Shot Gun Blast of tampering with the jurors minds before they are

selected.

I S S U E S

1) Whether or not; in 1975, the Nassau County School Board caused to be built the Hilliard Elementary School Bus Shop in an area Northwest of the Town of Hilliard, Florida. ?

2) Whether or not: The Godfathers Took, Seized and/or confiscated any and every one's land in the area without any regards for the rights of the owners of property rights and did trespass by occupation of the lands like that of a Wild Mob of Wild Indians ?

3) Whether or not; They were also not concerned with the vested rights or other encumbrances of anyone in the lands effected thereby, especially at the time of taking. However, in

May and June of 1980, A legal Adv. appeared in a Local News Print advertising of Condemnation Proceedings in Case No. 80-241-Ca.

4) Whether or Not: Plaintiff did notify by Certified Mail, both D.O. Oxley Clerk of the Court of Nassau County and the Law Firm of Marks, Gray, Conroy and Gibbs of Plaintiff's vested rights in the Lots on which the School Board has seized and after five years of trespass by the School Board were now in the process of Condemnation proceedings of Lots 21 and 22 Blk 80 Lot 8 Blk 101 et.al.?

5) Whether or Not , Plaintiff was not notified by any other proceedings and it is obvious that the lots were taken without " Full and Just

Compensation " to this Plaintiff for the loans that this Plaintiff had made to the Town of Hilliard with the lot in question having been given as security to assure the loan made by the Plaintiff to Hilliard and later by the Act of the Legislature absorbed by the State of Florida and County of Nassau. See F.S. 197.356 ?

6) Whether or Not; At 12;00 P.M. on March 9,1981 this Plaintiff was served with a " Summons To Show Cause Notice of Eminent Domain Proceedings: on Lot 20 Blk 101, and Lot 4 189, Town of Hilliard, Florida ?

7) Whether or Not: Lot 4 Blk 189 was owned by Allen Godbee of Fernandina Beach, Florida, even though it was

only a wooded lot, with no clearing , and no improvements the stamps on the Deed of Conveyance from Godbee to the School Board revealed that at least $900.00 was paid to Godbee for Lot 4, Blk 189 ?

8) Whether or Not; This left only Lot 20 Blk 101 and this Plaintiff in the Eminent Domain Proceedings as Godbee was no longer a party ?

9) Whether or Not; This Plaintiff was never offered one thin dime before the day of the alleged hearing?

10) Whether or Not: Plaintiff had acquiesced in the occupation of the land and the portion of the School Bus Shop and did notify the Nassau County School Board of their oblig-

ation to pay $200 per month rent for "Use and Occupation" of same ?

11) Whether or Not; This Action is not an Appeal of State Action. There is no possibility of redress for this Plaintiff in State Court. THIS IS A CIVIL RIGHTS ACTION ?

12) Whether or Not; The first smack of Conspiracy was at the time of the first Eminent Domain Proceeding mentioned above ?

13) Whether or Not; The second smack of Conspiracy was that of Harrison's dismissal of Barrow's Amended Com= plaint ?

14) Whether or Not; The collusion became more and more obvious as the Kangaroo Court proceeded ?

15) Whether or Not: At the time of the

selection of the Jury this Orator knew that the hand writing was on the Wall -- this was a stacked deck ! A Flim-flam, the ever presence of F.S. 877.01(4) effervesced ?

16) Whether or Not; The jury admitted to their prejudices because of the Kenon Assassination of Barrow's reputation by the News Media, T,V. News and the State Officials and other Street Talk ?

17) Whether or Not: Barrow was allowed to purge two bias Jurors with prejudice however, James Harrison would make no provisions for the removal of Not One More Prejudicial Juror, Harrison ruled that the prejudice was not cause for removal. Harrison

Gibbs and Barrow all knew that Barrow did not have a Prayer resembling Justice, Not A China Mans Chance ?

18) Whether or Not; James Harrison and Gibba held their Kangaroo Court, Orchestrated by Craig Marsh School Superintendent ?

19) Whether or Not: Plaintiff's witness Robert Cecil Henderson, was disqualifed by Gibbs ? Harrison would allow Plaintiff's witness to testify, but would not qualify Henderson as a Witness, therefore Plaintiff had no witness ?

20) Whether or Not: Plaintiff objected to Craig Marsh being a witness sitting in an Orchestrating all hearings, For this Harrison coreced this Plaintiff with threat of contempt ?

21) Whether or Not: This Plaintiff

alleged that Gibbs instructions to the jury were un-conscionable , for this Harrison again coerced this Plaintiff with threat of Contempt. The ever presence of 877.01(4) effervesced ?

22) Whether or Not; The Black Deputy was sitting in,awaiting Harrison's Orders - - - - - - - - - - - - - - to take this Plaintiff away again to the Federal Detention Prison in Yulee ?

23) Whether or Not: The hand writing was on the wall -- This Plaintiff knew there would be NO JUSTICE in Harrison's Court. That false arrest was evident and eminent ?

24) Whether or Not; Harrison announced that No Compensation would be discussed before the Jury (who was then in wait) except for the land ?

25) Whether or Not; The Florida Statute required rent SHALL BE CONSIDERED ? There was interest from the day of taking until the day of judgment. There was $250 submitted for secretarial services, Harrison denied same. The value of the building was not allowed under Harrison's Orders there was not even a Smack of Justice remaining. the ever presence of F.S. 877.01(4) was efferescing ?

26) Whether or Not; Wherefore, this Plaintiff announced that he would leave the courthouse absent another threat of contempt by James Harrison; Harrison agreed Gleefully ! The eyes of co-hort Marsh Glittered !

27) Whether or Not; The jury heard no testimony of the defendant or any

witness for the defendant ?

28) Whether or Not; With no defendant present at the Kangaroo hearing and no one to represent defendant, this plaintiff the court continued ?

29) Whether or Not; It is alleged that the Verdict of the Jury was $250 as just and full compensation for the Plaintiff ?

30) Whether or Not:The land value (see Godbee's lot $900.00) was justified ----------$900.00 plus

31) Whether or Not: The legal Secretary' services was justified--------- $250 ?

32) Whether or Not: The rent of $200 per month for use and occupation was ever so reasonable ---------- $7200.00? Plus interest accruing month to month, from date due, until date paid to

this plaintiff ?

33) Whether or Not: The improvements on land was justified ----------$7200.00 plus Full and Just Compensation ---- ---------- $7200.00 ?

34) Whether or Not:A check No. 102 dated 12/14/83 for $250 made payable to Joh G. Barrow AND ALLEN GODBEE a stranger to this Plaintiff was mailed to consummate the $15550.00 Full and Just Compensation due this Plaintiff.

35) Whether or Not: A collusion was ever so obvious . Look at a parcel of land the same as Allen Godbee, plus clearing, plus improvements, plus appreciation, plus rent month to month for use and occupation @ $200 due until paid and $250 legal Secretarial Services and all

consummated for a WORTHLESS CHECK No 102 for consummating $15550.00 ?

36) Whether or Not: This Plaintiff when he left Harrison's Kangaroo Court was in Flight for his Freedom and very possibly running for his life ? Hate feeds itself?

3/) Whether or Not: In fact it is true that the Verdict of the Jury of the Kangaroo Court was but $250 to be divided be tween Godbee (who had no interest in the property Whatsoever) being condemned, and this Plaintiff, then it is ever so conclusive that the $250 award was so grossly disaportionate to any resemblance of " Full and Just Compensation" reasonably Warrented by facts as to raise immediate presumption of passion, prejudice or corruption by F.S. 877.01(4) ?

38) Whether or Not: Channel 12 WTLV--wanted part of the Action ?

39) Whether or Not; On the 25th day of June A.D. 1984, ONE LAURA COOK, by phone requested an interview ? This was not granted.

40) Whether or Not: Plaintiff explained that he would not be available ? LAURA COOK WAS STALLED.

41) Whether or Not: She insisted on calling on the morning of the 26th of June again was denied a personal interview. The denial of the personal interview made no difference whatsoever. Before 1:00 P.M. Laura Cook was ramming and framming on Barrow's front door ?

42) Whether or Not: Mean while her cohorting Camera Man was also invading

the privacy of the Barrow Family by taking pictures ?

There is nothing newsworthy of how low down into the bollomless pits of poverty the State Officials and the News Media has succeeded in driving the Barrow Family's standard of living. It was obvious that the picture taking was for the purpose of Smear and Smutt. ?

43) Whether or Not:On the 6 P.M. News Channel 12 WTLV Came ERNIE MSATROIANNI'S Bomb Blast of Plaintiff's reputation ?

44) Whether or Not: Ernie Mastronianni's Massacure of Barrow's reputation begins Quote: " Remember John Barrow, the fellow that evicted the Colored Couple in Quincy, the fellow that buys tax certificates " ?

45) Whether or Not: Mastronainni and

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46) Whether or Not: Channel 12 WTLV should be given an opportunity to prove their Character Assassinating " Eviction of the Colored Couple" to supply the Case Number and the date of filing the case of the " Eviction of the colored couple"?

47) Whether or Not:Channel 12 WTLV is not only wreckless with the truth and the reputations that they MURDER, they are also negligent to ascertain the truth, while merchandising their smut

and smears ?

48) Whether or Not; The Group of State Officials and the News Media are to be Compared to the Head of An Octpus. at different times it associated with itself the other defendant (the arms of the Octpus) whose co-coperation was of different kinds, but always was in furtherance of the single conspiracy. The Arms might not help or be associated with each other but were always attached to and endeavered to fowward the purpose of the Head ?

49) Whether or Not:The intent of the Conspirators are to erroneously picture Barrow (who is forced to live in the lower levels of poverty) as a Wealthy individual, who takes advantage

of and unjustly forecloses on the poor thereby making a Class Appeal and Branding Barrow as a Villian and Heartless ?

CLAIM ON WHICH RELIEF CAN BE GRANTED

This Plaintiff is entitled to the answer to all above stated issues so as to be put into possession of his property that has been unlawfully taken in an unconstitutional manner without full and just compensation and 'under color of law' because of the involvement of all of the various defendants, with other various defendants who are State and County Officials.

This demand of possession of the herein described property and the consummation for the use and occupation of the Plaintiff's property by the various

defendants is one part only.

Plaintiff is entitled to punitive damages, special damages, compensatory damages and exemplary damages as found meet and proper by this Court for the unlawful taking and holding of plaintiff's property in an unconstitutional manner without full and just compensation . One Million Dollars does seem ever so Reasonable.

DEMAND FOR RELIEF

This Plaintiff demands judgment for relief explained in the paragraph above.

Plaintiff Pleads this Action as a Citizen of the United States Whereupon it is the unquestionable duty

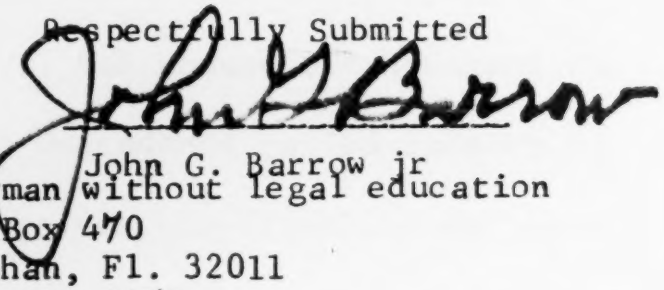
and inescapable obligation of this court to Grant Relief found to be Meet and Proper by this Honorable Court.

The personal Stake to this Plaintiff is Astrominical !

This Amended Complaint is intended by this Plaintiff to be an Amendment to the Entire Record on file of this Action.

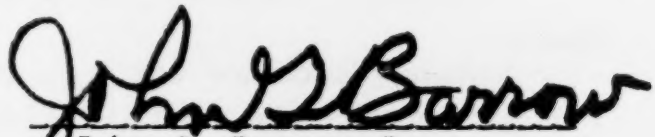
Should this Court find this Amended Complaint to be deficient or insufficient in any way, Plaintiff Offers to Anend,

Respectfully Submitted



John G. Barrow jr
A Layman without legal education
Rt 1 Box 470
Callahan, Fl. 32011
(904) 845-2475

I HEREBY CERTIFY, this 28th day of April 1986, that I did deliver a true copy of the foregoing instrument to all Counsel of Record.



John G. Barrow Jr

Fed Rules Civ. Proc. Rule 54 (c)
28 U.S.C.A.

" Under the Federal Rules Plaintiff pleads facts and not law, and the law is to be applied by the Court"

" A Plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome".

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

Filed Apr 5 3:39 PM '85
Clerk of District Court
Tampa, Florida

IN Re: JOHN G. BARROW JR,

_____/

O R D E R

Attached is a summary prepared by the Clerk describing 20 seperate actions in The Jacksonville Division of this Court within the last three years by John G. Barrow Jr, .It is apparent from a review of those cases that the Defendant has abused the processes of the Court; has abused and harassed the numerous Defendants called upon to defend against his frivolous and vexatious claims; and has abused the prec-

ious judicial resources of this Court at the incaloulable expense of other citizens and litigants of the Middle District of Florida seeking a prompt and expeditous adjudication of their meritorious claims.

Accordingly, the Clerk of this Court is hereby enjoined from accepting for filing from John G. Barrow Jr in any pending or future case, any further pleadings or parers of any kind what so ever unless such pleadings or papers (1) are signed by a member in good standing of the Bar of this Court . or (2) are tendered for filing by Mr Barrow in a case brought against him as a defendant by other party or parties; or (3) are tendered for filing by Mr Barrow to invoke the

Court's jurisdiction pursuant to 28 USC § 2254 for collateral review of a State Court criminal conviction of him as a Defendant.

IT IS SO ORDERED

DONE AND ORDERED AT TAMPA, FLORIDA this 5th day of April 1985 3:30 P.M.

/s/ Wm Terrell Hodges
United States District Judge

(80)

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

Filed Aug. 7 9:15 AM '85

JOHN G. BARROW JR

Plaintiff,

VS. Case No. 84-64-Civ-J-16

IRENE SCOTT as an individual
Internal Revenue Service

Defendants

John G. Barrow Jr

Plaintiff,

vs Case No. 84-104-Civ-J-14

American Telephone And
Telegraph Co. et.al..

Defendants

JOHN G. BARROW JR

Plaintiff,

vs. Case No. 84-135-Civ-J-14

Winifred S Hill, Tax Collector
St Johns County

Defendant.

JOHN G. BARROW JR

Plaintiff,

vs. Case No. 84-414-Civ-J-16

CHARLES HOOD and Mike Noone

Defendants,

John G. Barrow Jr,

Plaintiff,

vs Case No. 84-437-Civ-J-16

Eleanor B Hawkins, et al.

Defendants

John G. Barrow Jr,

Plaintiff,

vs Case No. 84-456-Civ - J-14

Haverty Furnirure et al
Defendants

John G. Barrow Jr
Plaintiff,

vs Case No. 84-588-Civ-J-12

T.J. Greeson Clerk et al.

Defendants

John G. Barrow Jr
Plaintiff
vs Case No. 84-589-Civ-J-14

JAMES HARRISON, et al
Defendants

John G. Barrow Jr
Plaintiff,
vs. Case No. 84-590-Civ- J-16

D.A.C. Corporation of Florida
et al.

Defendants,

John G. Barrow Jr
Plaintiff,
vs. Case No. 84-981-Civ-J-16

The Farmers Home Administration

Defendants

John G. Barrow Jr

Plaintiff,
vs. Case No. 84-982-Civ-J-14

Jack Reed, et al

Defendants

John G. Barrow Jr,
Plaintiff,
vs Case No. 84-1191-Civ-J-12

Harold B Wahl, et al

Defendants,

John G. Barrow Jr
Plaintiff,
vs. Case No. 85-91-Civ-J-12

H. Ray Walker, Tax Collector
Columbia County

John G. Barrow Jr
Plaintiff
Vs Case No. 85-160-Civ-J-14

Carl "Bud" Markel

Defendant

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(84)

JOHN G. BARROW JR

Plaintiff,

VS. Case No. 85-287- Civ-J-12

JIM BISHOP, Jr, Tax Collector
and as an individual,

Defendant,

- - - - - - - - - - - - - - - - - - -

O R D E R

Pursuant to the Addendum to the Jacksonville and Ocala Division Case Assignment to the Honorable Wm. Terrell Hodges for final disposition.

Concurrent with this reassingment, and in accordance with Local Rule 6.01 (c) (18), all pre-trial proceedings non-dispositive motions, and any applicable preliminary or pre-trial conferences are hereby referred to United States Magistrate Harvey E Schlesinger, who shall be responsible

for the conduct, supervision and determination of all such matters. Pursuant to Fed. R.Civ.P. 72(b), all dispositive motions are also referred to Magistrate Schlesinger, who shall promply conduct such proceedings as are required, and subsequently prepare and forward to me a recommendation for the disposition of the matter, along with proposed findings of fact when appropriate. Although this court has previously entered an Injunction against plaintiff's filing of additional materials (see Order dated April 5,1985) nothing in that Order shall preclude Plaintiff and/or the other parties from consenting to permit Magistrate Schles-

inger, to conduct any and all future proceedings including a jury or non-jury trial, and thereafter to enter final judgment in a particular case. The form of such consent should be governed by the provisions of Fed. R.Civ-P. 73 (b) and (c).

DONE AND ORDERED this 5th day of August 1985, in Tampa, Florida.

/s/ Wm Terrell Hodges
Chief Judge

Copies to Mr. John G Barrow Jr
Route 1 Box 470
Callahan, Fl. 32011
Counsel of Record.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Aug.15 4:35 PM '86
U.S. Dist.Court
Tampa, Fl.

JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-104-Civ-J-10

AMERICAN TELEPHONE and
TELEGRAPH CO. et al

Defendants,

JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-135-Civ-J-10

winifred s. hill Tax Collector
St Johns County

Defendants,

JOHN G. BARROW JR

Plaintiff,

-vs-

Case No. 84-191-Civ-J-10

ROOSEVELT BAKER JR

Defendant,

JOHN G. BARROW JR,
Plaintiff,

-vs- Case No. 84-192-Civ-J-10

VERNON DOUGLAS and
EUGENE CHRISTIAN
Defendants,

JOHN G. BARROW JR,
Plaintiff,

-vs- Case No. 84-412-Civ-J-10

T. BUCKINGHAM BIRD et al

Defendants,

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-414-Civ-J-10

CHARLES HOOD and MIKE NOONE,

Defendants,

JOHN G. BARROW JR
Plaintiff
-vs- Case No. 84-437-Civ-J-10

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 85-160-Civ-J-10

CARL "BUD" MARKEL

Defendant
---/

JOHN G. BARROW JR,
Plaintiff,

-vs- Case No. 85-287-Civ-J-10

JIM BISHOP, Tax Collector
and as an individual,

Defendant

---/

ORDER

The Magistrate's recommendations that these cases be Dismissed With Prejudice and that Rule 11, F.R.Civ.P sanctions of costs and attorneys fees be assessed are upon due consideration, ADOPTED in each case.

These cases are again referred to the

Magistrate to conduct all further proceedings necessary to determine and recommend the appropriate amount of costs and attorneys fees in each case.

An appropriate Judgment will then be entered in each case dismissing Plaintiff's claims with prejudice and awarding fees and costs to defendants.

IT IS SO ORDERED

DONE AND ORDERED at Tampa, Florida this 15th day of August, 1986.

/s/ Wm Terrell Hodges
United States District Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division.

Filed Aug. 27, 9:55 AM
'86
Clerk Dis Court
Jacksonville, Fl.

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 84-1040Civ-J-10

AMERICAN TELEPHONE and
TELEGRAPH CO. et al
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-135-Civ-J-10

WINIFRED S HILL, Tax Collector
St Johns County
Defendant,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-191-Civ-J-10
Roosevelt Baker,
Defendant
_____ /

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-192 -Civ-10

VERNON DOUGLAS and
EUGENE CHRISTIAN
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-412-Civ-J-10

T. BUCKINGHAM BIRD et al
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-414-Civ-J-10

CHARLES HOOD and MIKE NOONE
Defendants,
_____/

John G. Barrow Jr
Plaintiff,

-vs- Case No. 84-43/-Civ-J-10

ELEANOR B. HAWKINS et al
Defendants
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-456-Civ-J-10

HAVERTY FURNITURE COMPANYet.al
Defendants
_____/

JOHN G. BARROW JR,
Plaintiff

-vs- Case No. 84-1191-Civ-J-10

HAROLD B. WAHL, et.al.
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-91-Civ-J-10

H. RAY WALKER, Tax Collector
Columbia County
Defendant,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-160-Civ-J-10
CARL "BUD" MARKEL
Defendant
_____ /

(94)

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-28/-J-10

JIM BISHOP JR Tax Collector
and as an individual
Defendant
_____/

O R D E R

All parties in the above= styled cases who wish to assert a claim)s) for attorney's fees and/or costs shall submit a Motion memorandum and affidavit itemizing the requests within ten (10) days from the receipt of this Order. This affidavit shall include a time sheet which details the hours utilized in the defense of the case. Those parties not wishing to assert a claim for attorney's fees and/or costs shall so inform the court by pleading.

A hearing on these Motions requesting

fees and costs will be held on the 16th day of October, 1986, at 9:30 a.m. Courtroom 4, Third Floor, United States Post Office Building, 311 West Monroe Street, Jacksonville, Florida.

DONE AND ORDERED at Jacksonville, Florida, this 26th day of August, 1986.

/s/ Harvey E Schlesinger
Magistrate
United States Magistrate

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

JOHN G. BARROW JR
Plaintiff,

-vs- Case No 84-64-Civ-J-10

IRESE SCOTT
WILLIE FORTENBERRY
WILLIAM R. McCANTS as
individuals with the
Internal Revenue Service

Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 84-588-Civ-J-10

T.J. GREESON
JAMES S PAGE
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 589-Civ-J-10
James Harrison, as an individual
Marks, Gray, Conroy and Gibbs
Craig Marsh, Nassau Co. School Board
Ernie Mastroianni, Laura Cook ,Channell
12 WTLV Defendants

JOHN G. BARROW JR
Plaintiff

-v- Case No. 84-590-Civ-10

D.A.C. Corp.
T.J. GREESON
Defendants
_____/

JOHN G. BARROW JR
Plaintiff
-vs- Case No 84-981-Civ-J-10
Joseph Balkcom
William Stafford
Lynn C Higby
Farmers Home Administration
Defendants
_____/

JOHN G. BARROW JR

Plaintiff
-vs- Case No 84-982-Civ-J-10

JACK REED et.al.

Defendants
_____/

.(100)
JOHN G. BARROW JR

Plaintiff,

-vs-

Case No. 86-400-Civ-J-10

RICHARD KING as an individual
et al.

Defendants

O R D E R

All parties in the above-styled cases who wish to assert a claim(s) for attorney's fees and/or cost shall submit a Motion memorandum, and affidavit itemizing the requests within ten (10) days from the receipt of this Order. This affidavit shall include a time sheet which details the hours utilized in the defense of the case. Those parties not wishing to assert a claim for attorney's fees and/or costs shall so inform the Court by

pleading.

A hearing on these Motions requesting fees and costs will be held the 2nd day of June 1978, at 9"30 a,m. Court room 4, Third Floor, United States Post Office Building, 311 West Monroe Street Jacksonville, Florida.

DOE AND ORDERED at Jacksonville,Florida this 11th day of May, 1987.

/s/ Harvey E Schlesinger
United States Magistrate.

(102)

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF FLORIDA
(Jacksonville Division)

Filed Jul 30 10:Am
1984

JOHN G. BARROW JR

Plaintiff

VS. No. 84-589-Civ J-14

JAMES HARRISON , as an individual
MARKS, GRAY, CONROY & GIBBS
CRAIG MARSH, as an individual
Nassau County School Board
ERNIE MASTROIANNI
LAURA COOK
CHANNEL 12 WTLV/ HOWARD KELLY

Defendants,

****

AMENDED COMPLAINT WITH DEMAND FOR
TRIAL BY JURY WITH THREE JUDGE
DISTRICT COURT

##########

Plaintiff, Sues the Defendants to Wit:

James Harrison, as an individual,
Marks, Gray Conroy & Gibbs
Craig Marsh, as an individual
And Nassau County School Board
Ernie Mastroianni
Laura Cook
Channell 12 WTLV / Howard Kelly

The above named Defendants are hereby given " Fair Notice" of the fact that this Plaintiff this day has filed a Civil Suit, pursuant to Federal Rules of Civil Procedure naming each of these defendants.

1) This Action is a Federal Action relating to Federal Questions, perpetrated by Acts of the Defendants in their taking of Plaintiff's private property in an un-constitutional manner.

2) Pursuant to Rule 8 (a) of the Federal Rules of Civil Procedure, Plaintiff states a claim for which relief may be granted.

Rule 8 (a) (1) JURISDICTIONAL GROUNDS

The Constitution of the United States.
28 U.S.C. § 1331
Gen Fed. Questions
28 U.S.C.A. § 1331
28 U.S.C. § 1343
No Jurisdictional Limit
28 U.S.C.A. 1343
Amendment V
Amendment XIV
42 U.S.C.A. § 1983
Damage Recovery
42 U.S.C. § 1343

(104)
§ 241 Conspiracy
R.S. 1979 § 1343
§ 19
42 U.S.C.A. § 1985
18 U.S.C. § 242 Color of law
18 U.S.C.A. § 242
Sub 1 § 5169 S ext
18 U.S.C.A. § 51
§ 5508 Coercion
Amend. VI, XIV ,Confrontation
Section 6 Resulting in injury.

Rule 8 (a) (2) ENTITLEMENT TO RELIEF

a) Plaintiff's Constitutional rights have been invaded and denied.

b) Plaintiff has been denied " full and just Compensation" for property taken through condemnation.

c) Plaintiff has been denied protection of the law, equal to that afforded the State Agency.

d) Plaintiff has been denied Due Process by failure of James Harrison to comply with elementary principles of procedural due process.

e) Plaintiff has been denied the right to confrontation guaranteed by the VI Amendm-

ent, and made obligatory by the XIV Amendment Amendment one, of Our Constitution of the United States and the Grounds for Jurisdiction listed above is all the entitlement the Plaintiff needs.

We hereby " Petition Our Government for Redress of Grievances".

Rule 8 (a) (3) DEMAND FOR JUDGMENT FOR RELIEF

Plaintiff Herewith Demands Judgment for relief for:

(a) Full and Just Compensation to include all elements of damages to Plaintiff, in taking of his property and deprivation of rights et.al.

b) Plus Special and Punitive Damages for which Three Million Dollars does seem ever so reasonable. (What are your constitutional rights worth ? Make offer

In Bevins v Six Unkown Agents 91 S.Ct.1999

The Court Holds: 4

.(106)
" For people in Bevins Shoes it is DAMAGE or NOTHING"
The same is true in the BARROW'S MOCCASINS.

3) (c) Other relief as found Meet and Proper by this United States District Court.

ISSUES AND FACTS

1) In 1975 the Nassau County School Board caused to be built the Hilliard Elementary School and the Bus Repair Shop, in an area Northwest of the Town of Hilliard, Florida.

2) The Godfathers, Took, Seized and/or confiscated any and everyone's land in the area without regards for the rights of any owners of property rights and did trespass by occupation of the lands, like that of a Mob of Wild Indians.

3) They were also not concerned with the vested rights or other encumbrances of anyone in the lands, effected thereby, especially at the time of taking however, in May and June of 1980, a legal Ad appeared in the

Local News Print advertising of condemnation proceedings in Case No-80-241-CA.

4) Plaintiff did notify by Certified mail both D.O. Oxley Clerk of the Court, Nassau County and the law firm of Marks, Gray,Conroy and Gibbs, of Plaintiff's vested rights in the lots which the School Board had seized and after five (5) years of trespass by the School Board, were now in the process of Condemnation Proceedings, of Lots 21 & 22 Blk. 90, Lot 8 Blk 101 et al.

5) Plaintiff was not notified by any other proceedings, and it is obvious that the lots were taken without " Full and Just Compensation" to this Plaintiff for the loans that this Plaintiff had made to the Town of Hilliard, with the Lot in question having been as security to assure the loan made by the Plaintiff to Hilliard, and later by the Act of the Legislature absorbed by the State of

Florida and County of Nassau. See: Florida Statute 197.356.

6) Then at 12:20 P.M. on March 9th 1981, this Plaintiff was served with a "Summons To Show Cause Notice of Eminent Domain Proceedings" on Lot 20 Blk. 101 and Lot 4 Blk. 189 Town of Hilliard, Florida.

7) Lot 4 Block 189 was owned by Allen Godbee of Fernandina Beach, Florida, Even though it was only a wooded lot, with no clearing and no improvements, the stamps on the Deed of Conveyance from Godbee to the School Board revealed that at least $900.00 was paid to Godbee, for Lot 4 Blk 189. This left only Lot 20 Blk 101 and this Plaintiff in the Eminent Domain Proceedings, as Godbee was no longer a Party.

8) This Plaintiff was never offered One Thin Dime, before the alleged day of the hearing.

9) Plaintiff had acquiesed in the occupation

of the land and the portion of the School Bus Shop and did notify the Nassau County School Board of their obligation to pay $200 per month rent for " Use and Occupation of same.

10) This action is not on appeal of State Action. There is no possibility of Redress for this Plaintiff in State Court. THIS IS A CIVIL RIGHTS ACTION.

11) In Monroe v Pape, 81 S Ct 473 The Court Holds:
" Section 1979 should be read against the background of tort liability. That makes a man responsible for the Natural Consequences, of his actions"

" The third aim was to prove a Federal remedy though adequate in theory, was not available in practice"

Federal jurisdiction must be asserted under R.S. § 1979 and 28 U.S.C. § 1343 and 28 U.S.C. § 1331 and 28 U.S.C.A. § 1331, 28 U.S.C.A. § 1331 and others, listed below.

CAUSE OF ACTION

The Cause of Action in this litigation is;

a) Deprivation of Constitutional Rights.